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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 319.

REPEAL OF SECTION 4 OF THE FOREST RESERVE HOMESTEAD ACT.

MARCH 11, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GANDY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 10668.]

The Public Lands Committee, which has had under consideration H. R. 10668, being a bill to repeal section 4 of the act of Congress approved June 11, 1906, returns said bill with recommendation that certain amendments be adopted and that as so amended the bill pass.

That before the word "be," in line 6, the following be inserted: "as amended by the act of February eighth, nineteen hundred and seven (Statutes at Large, volume thirty-four, page eight hundred and eighty-three), and by the act of July third, nineteen hundred and twelve (Statutes at Large, volume thirty-seven, page two hundred and thirty-nine)."

Strike out the word "*Provided,*" in line 6.

Strike out the word "that" in line 7 and insert in lieu thereof the word "all"; and in said line 7 strike out the words "forest reserves" and insert in lieu thereof the words "a national forest."

Insert after the word "shall," in line 8, the words "be and."

In line 10, after the word "six," add the words "and acts amendatory thereof and supplementary thereto."

The act of June 11, 1906, permitted the making of homestead entries on agricultural lands within national forests, and but one exception was made in that general forest reserve homestead bill. Section 4 eliminated the right to file homestead entries in the Black Hills Forest Reserve in Lawrence and Pennington Counties in South Dakota to persons occupying lands therein prior to January 1, 1906. The act of February 8, 1907 (34 Stat., 883), and the act of July 3, 1912 (37 Stat., 188), raised the elimination with respect to certain townships within the reserve, and it is now proposed to entirely do away with this one exception and put all agricultural lands in forest

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reserves in Lawrence and Pennington Counties in South Dakota under the general provisions of the forest reserve homestead act as are the agricultural lands of other forest reserves.

There is added to and made a part of this report letters from the honorable Secretary of the Interior and the honorable Secretary of Agriculture.

DEPARTMENT OF THE INTERIOR,
Washington, February 23, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have the honor to acknowledge receipt of H. R. 10668, proposing the repeal of section 4 of the act of June 11, 1906 (34 Stat., 233), which reads as follows:

"That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington Counties in South Dakota except to persons occupying lands therein prior to January first, nineteen hundred and six, and the provisions of this act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this act in said counties in said reserve shall be described by metes and bounds survey."

The said act of June 11, 1906, grants to the Secretary of Agriculture the authority to examine and list agricultural tracts within national forests, and it is suggested if this has not already been done that the Secretary of Agriculture be called upon for a report on the said bill. Attention is called to the fact that the said section 4 not only prevents the making of homestead entries therein by persons other than those who occupied the lands prior to January 1, 1906, but it also provides that all homestead entries within Lawrence and Pennington Counties within Black Hills National Forest shall be described by metes and bounds survey. Reference is also made to the act of February 8, 1907 (34 Stat., 883), and the act of July 3, 1912 (37 Stat., 188), amending said section 4, act of June 11, 1906, so as to permit the listing and homestead entry within certain portions of said counties by persons other than those who occupied the lands so listed and restored, prior to January 1, 1906.

This department sees no reason why said H. R. 10668 should not be enacted into law.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

FEBRUARY 21, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. FERRIS: Receipt is acknowledged of a copy of bill (H. R. 10668) relating to the repeal of section 4 of the act of June 11, 1906 (34 Stat., 233), inclosed with your letter of February 5, 1916, requesting that the department submit a report thereon, together with suggestions and recommendations as it may desire to make.

There is no objection by the department to the repeal of section 4 of the act of June 11, 1906. It is understood that this section was originally intended to safeguard placer mining interests in the Black Hills region. Such caution does not appear to be necessary, and it would be possible to open to homestead entry a number of tracts of agricultural land in that region if the special limitation of the forest homestead act, contained in section 4, were repealed.

Section 4 of the act of June 11, 1906, has been amended by the act of February 8, 1907 (34 Stat., 883), and by the act of July 3, 1912 (37 Stat., 188). It is therefore suggested that after the words "forest reserves," appearing in lines 5 and 6, the following be added: "as amended by the act of February eighth, nineteen hundred and seven (Statutes at Large, volume thirty-four, page eight hundred and eighty-three), and by the act of July third, nineteen hundred and twelve (Statutes at Large, volume thirty-seven, page two hundred and thirty-nine)."

It is also suggested that a period be substituted for the colon after "repealed," in line 6, and that "*Provided,*" in the same line, be canceled.

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In line 7 it is suggested that the word "all" be substituted for "that," and that "a national forest" be substituted for "forest reserves" in the same line.

Since the lands within the national forests in Pennington and Lawrence Counties, except as excluded by the acts of February 8, 1907, and July 3, 1912, have never been subject to the general provisions of the act of June 11, 1906, it is suggested that "be and" be inserted after the word "shall" in line 8.

Certain provisions of the act of August 10, 1912 (37 Stat., 287), relate to lands listed under the act of June 11, 1906, and in order that there may be no possible doubt as to the purport of the last part of the bill, it is suggested that a comma be substituted for the period after the word "six" in line 10, and that the following be added: "and acts amendatory thereof and supplementary thereto."

In this connection attention is called to the fact that there is now pending before your committee a measure (H. R. 8807) providing for the reservation of necessary rights of way across lands opened to entry under the forest homestead act. Consideration has been given to the advisability of directly providing in this measure for the reservation of necessary rights of way across the lands which this bill is designed to open to homestead entry. However, in the interest of simplicity of legislation, it has been considered best to leave this proviso to be taken care of by the general measure now before your committee. Therefore, with the addition of the words suggested in the preceding paragraph, this measure meets with the hearty approval of this department, it being clearly understood that this recommendation is not inconsistent with the approval of H. R. 8807 and the view expressed regarding its urgency.

Very truly, yours,

D. F. HOUSTON, *Secretary*.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 320.

LOYAL CREEK INDIANS.

MARCH 11, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TILLMAN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 9326.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 9326) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, having duly considered the same reports the bill back without amendment and recommends that it do pass.

By the terms of articles 3 and 4 of a treaty between the United States and the Creek Nation of Indians, concluded June 14, 1866, ratified by a resolution of the Senate with amendments July 19, 1866, which amendments were agreed to by the Creek Nation July 23, 1866, and said treaty as amended proclaimed by the President August 11, 1866 (14 Stats., pp. 785–792), the Creek Nation ceded and conveyed to the United States the west half of their entire domain, the east half being retained as a permanent home for themselves. The land thus conveyed was estimated to contain over 3,250,000 acres, for which the Government agreed to pay $795,168, being at the rate of 30 cents per acre. The treaty provides for the distribution of this sum, and, among other things, that—

> One hundred thousand dollars shall be paid to soldiers that enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces to reimburse them in proportion to their respective losses, etc. (Art. 3, 14 Stats., p. 786.)

The treaty further provides that immediately after the ratification thereof the United States should ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians, and freedmen in proportion to their losses and pay the amount awarded each; also that the Indian agent should prepare a roll of such Indians and freedmen, that the superintendent of Indian affairs for the southern superintendency and the Indian agent should

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investigate and determine from such roll the amounts due the respective Indians and transmit such awards to the Secretary of the Interior for his approval.

Pursuant to the terms of the treaty, Brig. Gen. W. B. Hazen, superintendent of Indian affairs for the southern superintendency, and Capt. F. A. Field, Indian agent to the Creek Nation, and both Regular Army officers, were appointed July 21, 1869, as commissioners to make up the roll of said loyal Creek Indians, ascertain their losses, and make the awards due on their respective claims. The report of the commissioners was made February 14, 1870, and shows claims presented in the amount of $5,090,808.50, and awards made by them in the amount of $1,836,830.41. The total award thus made was approved by the Commissioner of Indian Affairs, and on the 5th day of September, 1870, the Secretary of the Interior approved the same, but only to the extent of $100,000. (S. Doc. No. 420, 57th Cong., 1st sess.)

Prior to the date of the qualified approval of the Secretary of the Interior, however, Congress, in the Indian appropriation act approved July 15, 1870, had made the following appropriation:

For the fulfillment of the provisions of the third and fourth articles of the treaty with the Creek Nation, concluded June 14, 1866, from the proceeds of sales of lands to the Seminoles, to be applied pro rata on the several amounts awarded and approved by the Secretary of the Interior, $100,000, payment to be made to each claimant or to his or her heirs in person. (16 Stats., p. 341, 41st Cong., 2d sess.)

The appropriation thus made was to apply on account of the awards already ascertained and made by Hazen and Field. It was not a payment in full of the claim and was not so understood at the time either by the Indians, by Congress, or by the Government agent who made the payment. In fact, the Indians refused to accept the $100,000 until assured that it was a part payment only of their claim and that the balance would be forthcoming later.

The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by Gen. Williamson, the Government agent authorized to make the payments, that the balance would be paid. (S. Doc. No. 201, p. 5, 60th Cong., 1st sess.)

Under date of September 27, 1897, the Commission to the Five Civilized Tribes concluded an agreement with the Creek Nation which provided, among other things, that the loyal Creek claim should be submitted to the Senate as a board of arbitration, whose finding should be final, and that any money found to be due the Creek Nation, or any individual thereof, should be paid at once. Although this agreement was ratified and confirmed by an act of Congress approved June 28, 1898, nothing was done by the United States to carry out its terms, and under date of March 8, 1900, the Commission to the Five Civilized Tribes concluded another agreement with the Indians, which was ratified by an act of Congress approved March 1, 1901. (31 Stats., pp. 861–873, 56th Cong., 2d sess.)

With reference to the loyal Creek claim, section 26 of the latter agreement provides, and its terms are almost identical with those of the prior agreement, that—

All claims of whatsoever nature, including the "loyal Creek claim," under article 4 of the treaty of 1866, etc., shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the

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Senate shall make final determination thereof, and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of the same.

Of these claims the "loyal Creek claim," for what they suffered because of their loyalty to the United States Government during the Civil War, long delayed, urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment. (31 Stats., sec. 26, p. 869.)

Early in the first session of the Fifty-seventh Congress a memorial praying the Senate to act in conformity with section 26 of the agreement of March 8, 1900, was presented to the Senate and was duly referred to the Committee on Indian Affairs for investigation. The committee examined the treaties and records, heard testimony, arguments were made and briefs were submitted by counsel, and finally the committee reported (S. Rept. No. 3088, 57th Cong., 2d sess.) its findings to the Senate as an amendment to the Indian appropriation act, which reads as follows:

(27) In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims" named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and the freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid such Indians and freedmen only whose names appear in the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion to the awards as set out in said list, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4, etc. (Passed by the Senate February 16, 1903.)

A full discussion of this item was had in the Senate when the Indian appropriation bill was submitted for passage, and was finally passed without a dissenting voice. (Congressional Record, vol. 36, pt. 3, 2d sess., pp. 2252, 2253, and 2254.)

The House of Representatives disagreed generally to the amendments of the Senate to the appropriation bill, and the measure went to conference. When the conferees made their final report, the item carrying the award to the loyal Creeks was reduced from $1,200,000, found due by the Senate award, to $600,000, and provided that the Indians should accept the same as full settlement and satisfaction of their claim. The act carrying the appropriation for $600,000 was approved March 3, 1903 (13 Stats., 995), and that sum accordingly was paid to the Indians, who accepted the same under the terms of the act.

The fact that the House (conferees) refused to make appropriation to pay the award of the Senate is not material, nor does the fact that the Senate, after making the award and the vesting of the rights of the Indians thereunder, agreed to an appropriation of half the amount, vary the force and effect of its finding. The award was fixed by its vote and was not subject to a review. It was a matter entirely beyond the jurisdiction of the House—except as to appropriate the amount of the award of the Senate—and the award would still stand had no appropriation been made. The Senate never again sat as a board of arbitrators, as a quasi court, but had it done so any action taken would not have been binding upon the Indians, because their

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rights became unalterably fixed, determined, and vested immediately upon the Senate making its award. As stated by the United States Supreme Court in the case of Comegys *v.* Vasse, above referred to, "the award in the premises is not reexaminable."

It is submitted that to compel these helpless Indians, wards of the United States, who were soldiers in the Union Army, to accept in full settlement of their claim a sum of money less than one-third of the value of their property lost and destroyed as ascertained by a commission appointed in compliance with the solemn terms of a treaty, is an unconscionable wrong and a reproach to the Government.

BINDING FORCE AND LEGAL EFFECT OF THE SENATE AWARD.

The United States Supreme Court, in the case of Wright *v.* Tibbitts (91 U. S., 252), held that a commission appointed under the Choctaw and Chickasaw treaty of 1866, for a purpose involving the same principles that are contained in the Creek agreement submitting to the Senate the claim of the loyal Creek Indians (31 Stat., 869), was a quasi court. It was in no material respect, for all the purposes of this controversy, different from the Court of Commissioners of Alabama Claims, of the Southern Claims Commission, or the Mexican Claims Commission, or Spanish Claims Commission, which have been called together in pursuance of treaty stipulation, or otherwise, to settle and adjust disputed claims for the purpose of their ultimate payment and satisfaction. When the Senate, the quasi court, passed upon these claims, they assumed the nature of an ascertained debt "for the purpose of ultimate payment and satisfaction." The rights of the claimants thereby became fixed and determined beyond controversy.

The United States is concluded by the finding of the Senate, the quasi court, by the law of good conscience and fair dealing, as well as by that provision of law sanctioned by a thousand decisions and opinions, which is best stated by the United States Supreme Court in the "Arredondo" case in these words:

> It is a universal principle that when power or jurisdiction is delegated to an officer or tribunal over a subject matter, and its exercise is confined to his or their discretion, the acts so done are valid and binding as to the subject matter, and the individual rights will not be disturbed collaterally for anything done in the exercise of that discretion within the power and authority conferred. (6 Pet., 691.)

The object of the Creek agreement was to invest the Senate, the quasi court, with full power and authority to receive, examine, and decide upon the validity and amount of these claims, and the decision of the Senate is conclusive and final. If the Senate pronounced these claims invalid, or pronounced them valid and ascertained and fixed the amount, the award in the premises is not reexaminable. The United States and the Indians as well must abide by it as the decree of a competent tribunal of exclusive jurisdiction. If the claim of these Indians had been rejected by the Senate, it would have been equally as binding, and could not again have been brought under review without further legislation. (See Comegys *v.* Vasse, 1 Pet., 193.)

Arbitrators exhaust their power when they make a final determination on the matters submitted to them. They have no power after

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having made an award to alter it; the authority conferred on them is then at an end. (Payne *v.* Morris, 1 Wall., 97.)

If the award be within the submission, and contains the honest decision of the arbitrators after a full and fair hearing, it will not be set aside for error either in law or fact. (Burchell *v.* Marsh, 17 How., 344.)

An award can be set aside only for a plain mistake of law or fact. (Williams *v.* Paschel, 4 Dall., 284.)

In the construction of an award, no intendment shall be indulged to overturn it—but every intendment shall be allowed to uphold it. (Kaethans *v.* Ferrer, 1 Pet., 222; Burchell *v.* Marsh, 17 How., 344.)

Where arbitrators keep within the terms of the reference and there is no fraud, mistake, misconduct, undue influence, or corruption, the award is conclusive on the parties, since it is a tribunal of their own choosing. (Denny *v.* Brown, Fed. Case No. 3, 805; Wolf *v.* Sheldon, 51 Ala., 425; Peachy *v.* Ritchie, 4 Cal., 205; Van Winkle *v.* Beck, 3 Ill., 488; Ross *v.* Watt, 16 Ill., 99; Kimball *v.* Walker, 30 Ill., 482; Graff *v.* Friedlander, 33 La. Ann., 188; Newburyport Ins. Co. *v.* Oliver, 8 Mass., 402.)

An arbitration which appears regular and unimpeached by facts or denials is the very highest authority. The question in controversy is as fully determined, and the rights of the parties as fully settled, as could be by their own agreement or by the judgment of a court. (Harrie *v.* Hains, 37 Ark., 349.)

The award of arbitrators under a statute is conclusive against the parties to the submission. (Taylor *v.* Scott, 26 Mo. App., 249.)

These are well settled principles of law and can not be gainsai l or controverted. In the present case power and jurisdiction were conferred upon the Senate, a quasi court, which, acting wholly within the power and jurisdiction conferred by the agreement, made its award, and no legal power can alter or change the validity and binding force and effect of that decision and award.

ACCORD AND SATISFACTION—RECEIPT IN FULL.

The act of Congress (32 Stat., 995) providing that the Indians should accept the $600,000 as full satisfaction of all claim and demand growing out of said loyal Creek claims, and execute a full release to the United States, is without consideration and void.

There is no principle of the common law better established and more generally recognized than that a payment, which is in accordance with the contract (award) after its maturity, of a part of a liquidated and ascertained debt is no satisfaction of the whole indebtedness, and that a receipt in full given upon such part payment is a nudum pactum as to the unpaid balance, and not binding upon the maker. (Chitty's Con., 2 Perkins Ed., 821, title payment; 2 Parson's Con., 4th ed., 129; Bostwick *v.* The United States, 94 U. S., 53; 12 Court of Claims, 67; 15 Court of Claims, 303.)

To make a receipt of a part of a debt a discharge of the whole, there must be a new consideration or a voluntary compromise of a disreputable and disputed demand, by which each party yields something, or an accord and satisfaction by which a new contract is substituted, or a submission to arbitration. (15 Court of Claims, 297.)

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Thousands of decisions by the various national and State courts on the subject might be referred to. There has never been a contrary decision by any court before which the question was submitted.

As stated by Senator Quarles, who was a member of the Indian Committee when the case was before the Senate:

> The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress. (See pp. 2252, 2253, and 2254 of the Record, vol. 36, pt. 3, 57th Cong., 2d sess.)

Therefore, the receipt by the loyal Creek Indians of the $600,000 in full for the amount awarded by the Senate is a mere nudum pactum and of no legal binding force whatever.

Again, the relation of the Government toward these Indians is that of guardian toward its ward. By every principle of fairness and justice, as well as by the universal requirements of the law, the guardian is prohibited from coercing his ward into executing any agreement or receipt which will be detrimental to the interests of the ward.

In insisting, therefore, upon the binding effect of a receipt exacted from the ward by the stress of his conditions, the Government is perpetrating a wrong prohibited by the law of every State and civilized country, and shocking to every moral sentiment.

There is another reason that, we think, ought forever to prevent the Government of the United States, when acting in the capacity of a contracting party with an Indian tribe, from assuming, for an instant, such an attitude as it has in this case. These loyal Creeks, though owing no allegiance to the Government, were soldiers in its Army. They had sustained losses for which the Government was clearly responsible. Under the provisions of a treaty solemnly entered into, these losses were ascertained and reported to the Government for payment. The Government, acting for itself alone, proceeded to reduce these findings to $1,800,000. This amount was not paid and the case was, by another treaty, submitted to the United States Senate as a board of arbitrators. Here they suffered another reduction, and the Senate, acting in its sole capacity as a board of arbitrators, found the amount due to be $1,200,000. After they had adjourned as a board of arbitrators and the award of $1,200,000 became fixed and final, the Senate placed said sum of $1,200,000 as an item in the Indian appropriation bill and passed it for that amount. Afterwards, in conference between the two Houses, the less amount was appropriated.

In Worcester *v.* Georgia (6 Pet., 582) it was said by Mr. Justice McLean in his concurring opinion:

> The language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of a more extended meaning than their plain import, as connected with the tenor of the treaty, they should be considered as used only in the latter sense. * * * How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction.

This beneficent rule of construction has been applied by the court in a number of cases, as in the United States *v.* Kagma (118 U. S., p. 385), in which the court says:

> These Indian tribes are the wards of the Nation. They are communities dependent on the United States; dependent largely for their daily food; dependent for their political rights. They owe no allegiance to the States, and receive from them no

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protection. Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it had been promised, there arises the duty of protection, and with it the power. This has always been recognized by the Executive and by Congress, and by this court whenever the question has arisen.

The loyal Creeks' claim was considered by the Committee on Indian Affairs of the Senate, and in its report of January 30, 1907 (S. Rept. 5689, 59th Cong., 2d sess.), said committee stated as follows:

LOYAL CREEK CLAIM.

In 1901 Congress enacted into the statute an agreement made by the Dawes Commission with the loyal Creek Indians whereby their claim was to be "submitted to the Senate of the United States for determination," the Senate acting as a court of arbitration. The act provided that whatever sum was awarded "provision shall be made for immediate payment of the same." (31 Stat. L., 869, sec. 26.)

In pursuance of that act the claim of the loyal Creeks was duly submitted to the Senate and sent to the Committee on Indian Affairs for investigation. The committee examined treaties and records, heard testimony from the claimants, both oral and by deposition, heard counsel, who submitted briefs, and finally reported its findings to the Senate as an item on the Indian appropriation bill, which read as follows:

"In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof. on the so-called 'loyal Creek claims,' named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen, as provided in said articles 3 and 4, and such payments shall be made in proportion of the awards as set out in said lists and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein. the same to be payment in full for all legal and other services rendered by him or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians." (Cong. Rec., vol. 36, pt. 3, 57th Cong., 2d sess., p. 252.)

A discussion followed, in which the attention of the Senate was specifically called to the fact that by the adoption of that item the Senate announced its award under the law. In the language of Senator Quarles, who was a member of the Committee on Indian Affairs and was opposed to the award:

"The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress."

In a word, the Senate was fully apprised of the whole matter, and then passed the item without any dissenting votes. (See pp. 2252, 2253, and 2254 of the Record, above cited.)

The House disagreed generally to the amendment made by the Senate to the Indian bill, and the measure went to conference. When the conferees made their final report, the item carrying the award had been modified by reducing the amount found by

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the Senate from $1,200,000 to $600,000, and provided that the Indians should accept the same as full satisfaction of all claim and demand growing out of said loyal Creek claims, and that the payment should be a full release of the Government. (32 Stat. L., 995.)

The money thus appropriated, being only one-half of the amount awarded, was accordingly paid to the Indians. But in spite of the fact that they accepted, under compulsion, that amount under the terms of the act rather than lose all payment for their losses, yet they feel that the amount awarded them under the conditions of a solemn agreement between themselves and the Government has been only one-half paid and they are now entitled to the balance. They respectfully submit the following reasons for their present claim:

I. The losses they sustained were the direct result of their loyalty to the Government. For this loyalty they were not only driven from their homes, but many of them—men, women, and children—in their flight from the Indian Territory to Kansas during the winter of 1861-62, lost their lives by attacks made upon them by other Indians and by organized whites, and all of them suffered untold hardships. More than 1,500 of the men entered the Union Army. The Commissioner of Indian Affairs in his report for the year 1865 says:

"The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country northward, in the winter, tracked by their bloody feet upon the frozen ground. They lost everything—houses, homes, stock—everything they possessed. Many joined the United States Army." (Commissioner's Report, 1865, p. 39.)

II. The Government promised them that they should be reimbursed for their losses. During the negotiations with the Five Civilized Tribes, preceding the reconstruction treaty of 1865, the commissioners on the part of the United States assured the Indians, loyal and disloyal, that "those who have been loyal, although their nation may have gone over to the enemy, will be liberally provided for and dealt with." Again the Indians were assured that above all other considerations it was the determination of the Government "to recognize in a signal manner the loyalty of those who had fought upon the side of the Government and endured great sufferings on its behalf." (Commissioner's Report, 1865, pp. 34 and 299.)

And article 4 of the treaty of 1866 (14 Stat. L., 787) undertook to ascertain their losses and see that the same were paid. This ascertainment was subsequently made by two officers of the Army, Gen. W. B. Hazen and Capt. F. A. Field. The Indians filed claims with this commission amounting in the aggregate to $5,090,808.50. The two commissioners, in keeping with their military training, insisted on having every item proven by witnesses presented before them. The impoverished Indians, scattered over a territory twice as large as the State of Massachusetts, without property—not even a pony left them—and with many of their witnesses dead or left back in Kansas, could only comply in part. But they did prove the loss, before this exact and exacting court, of property found to be worth $1,836,830.41. This amount was awarded by Gen. Hazen and Capt. Field and approved by the Commissioner of Indian Affairs, and a qualified approval affixed by the Secretary of the Interior.

III. The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by Gen. Williamson, the Government agent authorized to make the payments, that the balance would be paid. Thus, when the matter came before the Senate as arbitrator, the Indians claimed the full amount of their losses as found ($1,836,830.41), less the $100,000 which had been paid, making $1,736,830.41. They also claimed interest for the 36 years that the claims had remained unpaid, this based upon the fact that the Government usually paid interest on Indian funds.

The Indian Committee representing the Senate in making the investigation determined, upon some theory unknown to the claimants, to reduce the amount to $1,200,000. The loyal Indians of the Choctaws and Chickasaws had been paid the full amount of their losses as found, and their claims had not been cut by the commissioners who passed upon them.

The claims of the loyal Seminoles were submitted to the arbitration of the Senate by the same act that provided for the submission of the loyal Creek claims. The Senate reduced by 45 per cent the amount which the commissioners had allowed for losses, and then added interest at the rate of 5 per cent for some 33 years. The reduction of the principal was based on the fact that the Indians had been allowed all they claimed. But the reduced principal and the interest brought the award to $186,000, while the original allowance was $213,888.95.

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The Choctaws and Chickasaws were thus paid the full amount of losses as they claimed them, and paid promptly after the date of the reconstruction treaty; and the Seminoles were generously dealt with by the Senate, a large amount of interest having been added to their claim. Yet when the Senate came to deal with the loyal Creek claims, which had been already cut by Commissioners Hazen and Field about 62 per cent, it further reduced the principal something more than 33 per cent (from $1,836,830.41 to $1,200,000), and refused to allow any interest. The claimants would have been glad to have accepted this award and been allowed, after the 36 years of waiting, to go in peace.

IV. A fourth reason why the balance of the award should now be paid is the fact that the Indians submitted the whole matter to the Senate, trusting with the simplicity of children in its honor and justice. They were heard, the award was announced, and they returned to their homes with the feeling of perfect security that at least that much was safe and the $1,200,000 would be paid them and the long controversy ended.

They had no knowledge of what was transpiring in the conference room. They were neither notified nor heard, yet provision was made for paying only one-half of their judgment, and conditioned that they should receive this as payment in full. The award between private parties would have been final and binding. (Wright *v.* Tebbitts, 1 Otto, 252.)

V. Congress in its legislative capacity could not legally alter the award. The Senate, in pursuance of an agreement and a law, was the sole arbitrator. It formally announced its award. It never again opened the case. It never again sat as an arbitration board. Its sole connection with the matter thereafter was as a branch of Congress in its political capacity. Its function as a court was terminated. The question of finding what was due these loyal Creeks, who, in the language of the act providing for the arbitration, "had suffered because of their loyalty to the United States Government during the Civil War," was fully closed.

VI. To coerce the Indians to sign receipts in full for a part of their award, and refuse to pay the balance, would, if done by an individual, be immoral. These untutored wards of the Nation who have been trained for generations to depend upon agents and other officers of the Government in all business transactions, and to do whatever they are told to do, are presented with a sum of money and a receipt and told to sign the latter in order to secure the payment. Will such a receipt be held as a bar against the individual Indian? Is there not such a sense of injustice growing from the facts of this case as will compel the payment of the whole award? The Indians depend more upon such considerations than upon legal rights, which might be asserted as to the frailty of receipts in general as evidence of payment, and especially as to receipts procured by coercion or duress.

VII. There must be no misunderstanding as to who these claimants are. They are simply and solely individual Indians. Their names, the property lost, and the amount due each for his particular loss, are all set out in the findings of Commissioners Hazen and Field. The Creek Tribe has no jurisdiction over the matter. On these claims the United States owed nothing to the tribe, and the latter never had any legal relation to them. The relinquishment of the tribe in its capacity as an organization can not have and should not have any effect on the pending claim.

The statement of the principles here enunciated has been held by our courts whenever a case has been brought to their attention. The gross inadequacy of the payment made to the loyal Creeks must be apparent to everyone.

Your committee further submits the report of the subcommittee, and which is as follows:

Your subcommittee, consisting of Hons. C. D. Carter (chairman), Gandy, Tillman, Johnson, and Ellsworth, to whom was referred House bill 9326, first session of the Sixty-fourth Congress, to pay the loyal Creek Indians the balance of the Senate award made on the 16th day of February, 1903, beg leave to submit the following report, your subcommittee having made a thorough and full investigation of said claim, and Col. S. W. Peel and Hon. W. M. Hastings having appeared and made able arguments in support of the bill:

We find from the report of the honorable Commissioner of Indian Affairs in 1865 (p. 39) that the Creek Tribe of Indians were about

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equally divided in sentiment in the Civil War. About 6,500 had gone with the rebellion; the others, about half, had adhered to the Union. This branch of Creeks are called the loyal Creeks by the disloyal Indians and whites, who forced the loyal Indians—men, women, and children—to flee to Kansas for protection. We find that they were obliged to flee in the winter, leaving their bloody tracks upon the frozen ground, losing their houses, homes, stock, and everything they possessed. Many joined the Union Army. (See Commissioner's Report, p. 39.) In the same report of the commissioner they were promised reimbursement for their losses. During the negotiations with the Five Civilized Tribes, before the treaty of 1866 was made, the Commissioner of Indian Affairs, upon the part of the United States, assured the Indians, both loyal and disloyal, that those who had been loyal would be liberally dealt with. Again, the Indians were assured that, above all other considerations, it was the determination of the Government to recognize in a signal manner the loyalty of those who fought upon the side of the Government and endured great suffering in its behalf. (See Commissioner's Report, 1865, pp. 34 and 299.)

The Government undertook to ascertain the losses of the loyal Indians and see that the same were paid. This ascertainment was subsequently made by two officers of the Regular Army—Gen. W. B. Hazen and Capt. F. A. Field. The Indians filed claims amounting to $5,000,000 in round numbers. The two Army officers, however, awarded the claimants only $1,800,000, this amount being awarded by Hazen and Field, and reported by them to the Commissioner of Indian Affairs and by him approved. This award was never challenged by the Government. In the treaty of 1866 the Creek Tribe of Indians, both loyal and disloyal, ceded of their common property one-half, being the western half of their entire reservation. Out of the proceeds of their common property Congress appropriated $100,000 to be paid the loyal Creeks on their losses, to be paid pro rata, according to the amount of their respective losses. So when $1 of that appropriation was paid 50 cents of each dollar rightfully belongs to the loyal Creeks. Notwithstanding the fact that the award of Gen. Hazen and Capt. Field had never been challenged or paid, except the $100,000 paid out of the proceeds of their common property, the Commission to the Five Civilized Tribes, 1897, concluded an agreement with the Creek Tribe of Indians, in which among other things this particular loyal Creek claim for lost property was to be submitted to the Senate of the United States for final determination, as a court of arbitration, which agreement was duly ratified by both Houses of Congress, but nothing was done under that contract. Again, in 1900 the Dawes Commission acting for the Government concluded another contract with the Creek Nation, which provided among other things that this same loyal Creek claim for property lost during the Civil War again be submitted to the Senate of the United States as a board of arbitration for final determination, in which it was expressly stated that whatever amount, if any, was awarded to the loyal Creeks should be immediately paid.

Early in the Fifty-seventh Congress a memorial of the tribe by Chief Isperhweher, of said Creek Nation, was introduced in the Senate, praying that the Senate take up the claim of the loyal Creek Indians as stipulated in the contract with the United States, which memorial was referred to the Senate Committee on Indian Affairs. That com-

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mittee made a thorough examination of said claim, examined treaties, heard argument of counsel, took evidence, and finally reported to the full Senate that they found due said loyal Creeks the sum of $1,200,000, reducing the award made by Hazen and Fields from, in round numbers, $1,800,000 to $1,200,000, and reported that finding to the Senate as an item on the Indian appropriation bill. When the item found due the loyal Creeks was reached in the Senate consideration of the bill Senator Quarles, of Wisconsin, who was a member of the Senate Committee on Indian Affairs, stated to the Senate that if they adopted the item it would amount to an award on which an action would lie independent of its fate in the other branch of Congress. The Senate, after full and due notice, voted unanimously for it.

Your committee finds in the report of Senator McCumber on a Senate bill to pay the loyal Creeks the balance of the Senate award a great many authorities cited to sustain the award of the Senate, several decisions of the Supreme Court of the United States, the Court of Claims, and the supreme courts of the various States which we think is conclusive on that point. (See pp. 100–11 of hearings on McCumber report.)

When the Indian appropriation bill went back to the House for concurrence or noncurrence in the various amendments to said bill the House did not concur in all the Senate amendments, including the item of $1,200,000, the award of the Senate to the loyal Creek Indians.

The conference committee met, notwithstanding the fact that the House had ratified an agreement to authorize the Senate of the United States to make a final determination of the value of the property losses of the Creek Indians during the Civil War, and appropriated only one-half of the Senate award, to wit, $600,000, and provided that it should be in full for their property losses and that the Indians should execute their receipt of said amount in full.

Your committee finds that in the McCumber report on that question of the provision of the conference report requiring the Indians to execute full receipt upon payment of the $600,000, fully releasing the Government from further liability for their losses was a void receipt, a volume of legal authority being shown and it appearing conclusively that a receipt for part payment of a liquidated debt or a fixed debt was void as to that part of the debt not paid. (See pp. 11 and 12 in the McCumber report.)

Your committee finds that this same bill, or one for the same purpose, has been before the Senate of the United States many times. First, in the Sixtieth Congress the committee had the item of $600,000 to pay the loyal Creeks placed in the Indian appropriation bill. Senator Clapp, chairman of the Indian Committee of the Senate, made an exhaustive report in favor of the item, but when the bill was considered in the Senate the item went out on a point of order.

Your committee understand that this same item has been added to the Indian appropriation bill in the Senate several times, but that each time it has gone out on a point of order.

Senator McCumber's report, which is included in the record of hearings, was upon a Senate bill that did not come up for consideration in the Senate.

Your committee further finds that in the last Congress Senator Owen, of the Senate Indian Committee, reported to the Senate a

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separate bill to pay the balance of the Senate award to these loyal Creeks, which passed the Senate unanimously, but too late in the short second session to be considered in the House.

The hearing your subcommittee had on this bill was very full and is incorporated in the record of the hearing and has been printed.

We hope the members of this committee have examined the record of the hearing on the subject matter of this claim. It may be considered old, but the award of the Senate committee giving these loyal Creek Indians the balance of the Senate award for their losses during the war is not old.

Your committee finds these loyal Creek Indians are very ignorant and uneducated.

Your subcommittee, for a better understanding of the bill, called on the Bureau of Indian Affairs for advice. After a full investigation Assistant Commissioner Meritt says that the claim is just and that the balance of the Senate award ought to be paid. (See his statement on pp. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, inclusive, in the record of hearing.)

Your committee has also had before it the present chief of the Creek Nation, Maty Tiger, who said he did not belong to the loyal Creek element and had nothing to say.

Your committee also had before it G. W. Grason, a Creek delegate, who also said he did not belong to the loyal Creek branch of the Creek Indians and had no interest in the claim, but that the Creeks were justly entitled to the award, and he would like to see a favorable report. He cited the award made by Hazen and Field and said that the Creeks were very needy at that time and that many people did not want them to take the award of $600,000 appropriated, feeling that they were entitled to the full award. (See record of hearings, pp. 33 to 37.)

Your subcommittee has investigated the services of Col. Peel as the attorney for the loyal Creeks in this matter. It finds that he has a written contract with the loyal Creeks by which they agree to pay him 10 per cent on all sums collected for them. We find he has given it special attention, has made 10 or 12 trips from his home at Bentonville, Ark., to Washington, D. C., at an estimated cost of four or five hundred dollars each trip at his own expense. The assistant commissioner corroborates this fact and says that 10 per cent is a reasonable fee in such cases. We think the fee awarded him just and ought to be allowed. Also the services of David M. Hoge, himself a loyal Creek Indian. It seems that he was their home counsel, made many trips to Washington at his own expense looking after the loyal Creek claims, and we think the compensation awarded him by the Senate is reasonable and ought to be allowed.

Your subcommittee finds that many of the Creek full bloods would not know a receipt from any other piece of paper and when presented with a receipt they would sign it as a child would sign it, by making their mark to get what little money was offered rather than get nothing for all their losses.

After full investigation your subcommittee is of the unanimous opinion that the balance of the Senate award ought to be paid and that this bill do pass without amendment.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 320, Part 2.

MINORITY REPORT ON LOYAL CREEK CLAIM.

APRIL 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. VENABLE, from the Committee on Indian Affairs, submitted the following

MINORITY VIEWS.

[To accompany H. R. 9326.]

This claim, known as the "loyal Creek claim," arose out of the fact that at the outbreak of the Civil War the Creek Nation became divided in sentiment as between the North and the South. The larger portion of the tribe went with the Confederacy, entering into a treaty with it, while the smaller portion, after various disturbances, abandoned their homes and traveled north into the Federal lines, where many entered the Federal service as soldiers.

Feeling ran high between the Creeks of differing sentiments, and there was some fighting and marauding. After the departure of the so-called "loyal Creeks," their property, left by them, was stolen or destroyed, and it is for reimbursement by the Government that they make this claim.

Certainly the Federal Government is under no obligation to pay anyone for property lost or destroyed during the Civil War, whether the destruction was by Confederate forces or marauding bands of Indians. The Government has never recognized the right of reimbursement in respect to its white citizens who were loyal and who lost millions of dollars worth of property, and, as far as we know, it has never been urged that justice or equity demanded such recognition. The fact that the owners of the property happened to be Indians and so-called wards of the Government can not improve the case, and could certainly place them in no better attitude for claiming indemnity from the Government than white citizens. To recognize such a principle is, in our judgment, exceedingly dangerous.

It is claimed, however, that the Government did recognize the claim and that, too, in a solemn treaty and contract obligation as contained in the treaty of 1866.

It is first argued that there is an obligation upon the Government by virtue of the terms of this agreement. Two sections of the treaty

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only deal with the question here involved, namely, articles 3 and 4. It remains to examine the language. Article 3, after providing for the purchase of certain Creek lands at an aggregate price of $975,168, then proceeds to state how the money should be paid. After several stipulations the treaty provides—

> One hundred thousand dollars shall be paid in money and divided to soldiers that enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by the Rebel forces, to reimburse them in proportion to their respective losses.

Article 4 provides that immediately upon the ratification of the treaty there should be ascertained the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen in proportion to their several losses. It then provides how the awards shall be made, and continues—

> In case the award so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of $100,000 can be raised from the sale of said lands to other Indians.

Several things are apparent from the language of this treaty.

1. The Government did not recognize any liability for the destruction of the Indians' property, for the indemnity was to be made from the proceeds of the sale of the Indians' own land. In short, the tribe as a whole was made to indemnify the loyal Creeks, possibly for the reason it might have been thought that the Creeks who went with the Confederacy received some benefit from the lost property. At least it appears that the Government recognized no claim against itself for anything to be paid by itself, and in indemnifying the loyal Creeks with the $100,000 the Government was simply attempting to make an equitable distribution of the Indians' money as between themselves.

2. These treaty stipulations show that the question of the indemnity of these loyal Creeks was considered both by the Indians and the Government at the time; and it was agreed by the Government and the Indians that $100,000 distributed as provided and raised as provided should be in settlement. The fact that the Government and the Indians both stipulated that the payment to the loyal Creeks should be in "proportion to their several losses, and expressly limited the payment to $100,000 to be derived from the sale of land, shows expressly that the Government did not recognize a liability for the damages to the Creeks regardless of amount, and further shows that the Indians did not so claim or insist at that time. At any event, the treaty was ratified. (Laws and Treaties, Kappler, vol. 2, p. 933.)

We respectfully submit that there is not a line in this treaty which can form the basis for a claim against the Government.

Congress, in the Indian appropriation act of July 15, 1870, appropriated the $100,000 for the fulfillment of articles 3 and 4 of the treaty. This act on the part of Congress showed that it clearly understood the obligations imposed by the treaty.

On July 21, 1869, pursuant to article 4 of the treaty, Gen. Hazen and Capt. Field were appointed to take the census of the losses of the loyal Creeks, and on February 14, 1870, they reported that the amount was $1,836,830.41. They also reported the roll of loyal Creek soldiers, freedmen, etc. The amount found by the census takers was immaterial, for it was expressly stipulated in the treaty

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that only $100,000 would be paid and this distributed to the several claimants proportionally to their losses.

The Commissioner of Indian Affairs approved the roll and census on September 5, 1870, but only for the amount of $100,000 showing that he was under no misunderstanding as to the obligations of the Government.

It was stated by some one on page 9 of the "Hearings before a subcommittee of the Committee on Indian Affairs of the House of Representatives on H. R. 9326" that the appropriation of $100,000 made by Congress "was to apply on account of the awards already ascertained and made by Hazen and Field. It was not a payment in full of the claim and was not so understood at the time, either by the Indians, by Congress, or by the Government agent who made the payment."

The statement of fact conveyed by the language just quoted is patently untrue. In the first place, Hazen and Field were not empowered to make an award. They were appointed under article 4 of the treaty to take a census. In the second place, it is untrue in stating that the appropriation made was to apply on an award made by them and was not a payment in full of the claim for the reason the appropriation itself expressly states that it is made "for the fulfilling of the provisions of the third and fourth articles of the treaty with the Creek Nation," etc. (16 Stat., 341, 41st Cong., 2d sess.)

But we are not left to argument to demonstrate that under the treaty of 1866 no claim against the Government can be maintained. The Court of Claims, in considering this very matter which was referred to it by the Department of Indian Affairs, in the nineteenth volume of the Court of Claims Reports, beginning on page 675, says:

> That all claims which the petitioners had against the United States for damages and losses growing out of the late Rebellion were adjusted, settled, and released by the treaty of 1866 and the payment thereunder of $100,000, as provided by article 3; and that the claimants, having received that sum, are not entitled to be paid any further amount.

We do not find that this decision has been reversed.

In view of the language of the treaty of 1866, the action of the department in the payment of the $100,000 and the above decision, we do not understand how the Indians could have been misled into thinking that the Government recognized any liability. Yet, the claim was continually urged by the attorneys for the claimants until March 8, 1900, when the Commission to the Five Civilized Tribes concluded an agreement which provided, among other things, that the loyal Creek claims should be submitted to the Senate of the United States for determination. (31 Stat., pp. 861–873, 56 Cong., 2d sess.)

On February 16, 1903, acting under the above agreement the Senate passed, as an amendment to the Indian appropriation bill, the following:

> In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called loyal Creek claims, named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the

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loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen, as provided in said articles 3 and 4, and such payments shall be made in proportion of the awards as set out in said lists and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, Tnat the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And, further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians. (Cong. Rec., vol. 36, pt. 3, 57th Cong., 2d sess., p. 252.)

The House failed to concur in this amendment, and on conference the sum was reduced from $1,200,000 to $600,000, with the stipulation that this should be received in full settlement of all claims. This money was paid to the Indian claimants and was received by them, presumably with full knowledge of the condition upon which payment was made.

As seen from the conference report, the House held to the view that the payment was a pure gratuity. The present claim is for the balance of the $1,200,000, first given by the Senate in its amendment, to wit, $600,000, which it is claimed is due on the ground that the Senate sat as a court of arbitration, with full jurisdiction, and having rendered a valid judgment for this sum, whether on justifiable grounds or not, the House could not change the judgment nor could the Senate sitting as a legislative body ratify the change of what it had done as a quasi court.

It is also urged that the receipt by the Indians of the $600,000 in full settlement of all claims should not bar them, for the reason it is said that a promise based upon the consideration of the receipt of a smaller sum when a greater is due is without consideration and void. It is also urged that these Indians are the wards of the Government, and hence the Government should not hold them to this promise.

We believe that these positions are unsound.

In view of the history of the legislation, the argument that the Senate, by its original amendment, fixing the sum at $1,200,000 precluded the matter absolutely, is in our opinion, unsound. This amendment was afterwards changed in conference, was adopted by both Houses to read $600,000 instead of $1,200,000, and this latter provision as subsequently passed by the Senate and not the original tentative amendment, was the final award. The argument that the original amendment in the Senate was the award is based upon the assumption that the Senate acted as arbitrators in inserting it in the Indian apprapriation bill, but it was not acting as arbitrator when agreeing to change the amount at the solicitations of the House. There is no warrant for this assumption. General jurisdiction was

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given the Senate to deal with the matter of the loyal Creek claims, and they were to make the award in whatsoever manner or method that they desired and in whatever fashion suited them. They had the right to make it in the form of a report, as an amendment to a pending bill, or in any other way that suited them. There is no limitation as to manner or method in their commission. The award of the Senate, from the nature of the case, was the final action of the body expressing the will of that body by its final action. As long as the matter was in process, as long as it was in negotiation no preliminary step can properly be said to be final.

As a matter of fact the Senate made a tentative award in the form of an amendment, which the Senate knew had to go to the House and which they knew might be concurred in or not, so far as appropriating money was concerned. The Senate finally cut the amount awarded one-half and stipulated that this should be in full settlement of all claims; and it is in this form that the final action of the Senate as an awarding body appears in the statutes. This is what became law. The original never did become part of the statutes of the Government, and we must bear in mind that it was in the form of a statute that the Senate chose to indicate its award.

But it is urged that the Senate could not do this; that when they made the amendment providing for a gift of $1,200,000 to these claimants they were acting as arbitrators, but when they concluded not to appropriate money so generously, they were not acting as arbitrators but as a branch of the legislature, and that their jurisdiction as a quasi court had ceased.

What is the basis of this doctrine? No limitation on the power of the Senate to correct its errors even in part is found in the law which constituted them as arbitrators in this matter, and it would be a dangerous doctrine that any court having jurisdiction of the parties, the subject matter, and the res, while the matter was still in its hands, could not correct its judgments.

We respectfully submit that the Senate was in the performance of its duty as arbitrator when it reduced the amount of the award one-half; as much so as when they fixed the amount in the amendment as originally adopted in the Senate. The fact that they were led to do this by the failure of the House to appropriate the first sum, does not change the matter. The question is not one of motives, but is, What final action did the Senate take in the matter while acting in the adjustment of the claim as an arbitrator? This final action fixed the sum at $600,000, which was paid. No further claim can be rightfully prosecuted under the so-called award.

It may be true that the Senate need not have made the change in the amount of money decreed to be due, and the original sum might have stood as a valid claim against the Government regardless of whatever action the House might have taken. It is not necessary to investigate this for the reason that the Senate did change the amount, and its subsequent action and final and only award was for the sum of $600,000 and not for twice that sum.

It will be noticed that the Creek claimants accepted the $600,000 under the stipulation that it was to be in full settlement of all claims; but it is sought to avoid this by saying that the receipt of a smaller sum for a greater which is due does not release the claim for the bal-

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ance, though agreed to, for the reason that the promise is not supported by a valuable consideration. This, of course, is a technical legal argument based upon a technical legal rule. Aside from the fact that this rule has been repudiated by common-law decision in one State (Mississippi), and has been changed by statute in several others where the inartificiality and real untrueness of it has been perceived as well as being criticized by many writers of legal treatises on the law of contracts, it necessarily depends for validity in the instant case on the assumption that as a matter of fact a greater sum is due. We have sought to show that this was all that was due under the Senate award, and so this contention falls with the other.

It is next said that these claimants should not be bound by their implied promise, for the reason that they are ignorant and poor and the wards of the Government. These Indians were ably represented by learned attorneys who doubtless did their duty of advising them fully of each step in the procedure of collecting their claims and doubtless advised them of the probable effect of acceptance of the sum awarded and paid. The claimants doubtless knew the facts, and if they chose to take the money it was not because they were overreached in any wise, but because they preferred this course to another.

As we see this claim, it amounts to this: As the Court of Claims originally decided, these claimants had no claim against the Government to begin with. The Senate gratuitously made them a present of $600,000 by an award which was paid by the House, and now they desire that the Government should present them with $600,000 more. Of course, the technical relation of guardian and ward does not exist between the Government and these Indians, but even if it did, no sort of fiduciary relation could make it proper and just to take $600,000 belonging to the people of the United States and make a present of it to these claimants.

Some Members of this House may be guardians of wards, but this relation does not justify any one of them to take the money of his neighbor that he may make a present to his ward. The fiduciary character of the relation existing between a guardian and his ward may impose a high equitable duty to deal with all fidelity with the property of the ward, but it is a new doctrine, we submit, that justifies the guardian in playing fast and loose with other property in the hands of the guardian with which the ward has no concern and in which he has no interest.

We make these observations in view of the argument that somehow, in a sense, the Indians are the wards of the Government, and that fact confers some sort of right to this money which otherwise they would not be entitled to. To quote the language found in the hearings before the subcommittee, on page 12 (where it was being urged that the acceptance of the $600,000 under the agreement that it should be in full settlement should not bind these claimants), it is said:

> Again, the relation of the Government toward these Indians is that of guardian toward its ward. By every principle of fairness and justice, as well as the universal requirements of the law, the guardian is prohibited from coercing his ward into executing any agreement or receipt which will be detrimental to the interests of the ward.

A sufficient answer to this, we respectfully submit, lies in calling attention to the fact that it is assumed that the so-called ward in this

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instance had an interest. We have undertaken to show first that, aside from the award, any payment would have been a mere gratuity and gift, and under the award only the sum of $600,000 was due, which has been paid. The stipulation that the payment of this latter sum should be in discharge of all claims did not coerce the claimants into parting with any legal or equitable right, for they had none after its payment, but sought to bind them not to claim any.

In conclusion, we see no reason in fairness and justice why these Indians, advised as they were by able counsel, should not be bound by their promises and contracts. Neither is the relation of so-called guardian and ward a bar, because the Court of Claims held that by the receipt of the hundred thousand dollars distributed under the treaty of 1866, all claims were barred, yet the so-called relation of guardian and ward existed as much then as now.

We respectfully submit that under the facts of the case, the claim should be disallowed.

Respectfully submitted.

W. W. VENABLE.
JNO. H. STEPHENS.
CARL HAYDEN.
S. WALLACE DEMPSEY.

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64TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 349.

SECTION 20, ACT TO REGULATE COMMERCE.

MARCH 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 563.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 563), to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes, having considered the same, report thereon with an amendment and as so amended recommend that it pass.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That section twenty of an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, as amended, be amended so as hereafter to read as follows:

"SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act; to prescribe the manner in which such reports shall be made; and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual report shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees, and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such report shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same, as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

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"Said detailed reports shall contain all the required statistics for the period of twelve months ending on the thirtieth day of June in each year, or on the thirty-first day of December in each year if the commission by order substitute that period for the year ending June thirtieth, and shall be made out under oath and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within the time fixed by the commission, such party shall forfeit to the United States the sum of one hundred dollars for each and every day it shall continue to be in default with respect thereto. The commission shall also have authority by general or special orders to require said carriers, or any of them, to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matters about which the commission is authorized or required by this law, or by any other law, to inquire or to keep itself informed or which it is required to enforce, including the matter of making public, by appropriate means, any information regarding the issuance by said carriers of stocks, bonds, or other evidences of interest or indebtedness. In such periodical or special reports the commission may require of the carrier, in addition to its income account, a balanced statement of its receipts and expenditures on capital account, and of the surplus of the income account accruing during the period covered by such statement, as well as of all other financial transactions that have taken place during such period, with whom had, whether in cash, in securities, or in other valuable consideration. The commission may also require the carrier to compile for the information of its stockholders such facts in regard to the financial transactions of the carrier for its fiscal year and in such form as the commission may direct.

"Such periodical or special reports to the commission, and reports of the carriers to stockholders, shall be under oath whenever the commission so requires; and if any such carrier shall fail to make and file any such periodical or special report, or report to its stockholders, within the time fixed by the commission, it shall be subject to the forfeitures last above provided.

"Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this act.

"The oath required by this section may be taken before any person authorized to administer an oath by the laws of the place in which the same is taken.

"The commission shall have the power to investigate all financial transactions of said carriers and to examine into the actual cost and value of property acquired by, or services rendered to, said carriers. The carrier may be required by order of the commission to disclose every interest, direct or indirect, of the directors, stockholders, officers, agents, attorneys, employees, receivers, or operating trustees of such carrier in any transaction under investigation. In addition to the certificates and reports herein mentioned, the commission may require the carrier to furnish any further statements of fact or evidence that it may deem necessary or appropriate relating to business transactions of, for, or with said carrier.

"The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys, and it shall be unlawful for said carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission.

"In case of failure or refusal on the part of any said carrier to keep such accounts, records, and memoranda in the manner prescribed by the commission, said carrier shall forfeit to the United States the sum of five hundred dollars for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"The commission shall at all times have access to all accounts, records, memoranda, correspondence, documents, papers, and other writings, and indexes thereto, regardless of the dates thereof, relating to financial transactions of, for, or with said carriers, and kept or preserved by or for, or in the custody or under the control of—

"(*a*) Any carrier subject to this act;

"(*b*) Any director, stockholder, officer, agent, attorney, employee, receiver, or operating trustee of said carrier;

"(*c*) Any other person, persons, corporation, joint-stock company, or corporate combination having, or having had, any financial transactions with or for said carrier.

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"The commission may employ special agents or examiners, who shall have authority under the order of the commission to inspect, examine, and take copies of any and all accounts, records, memoranda, correspondence, documents, papers, other writings, and indexes thereto to which the commission has the right of access as above provided. Failure or refusal to afford such access shall constitute an offense for which the offender shall forfeit to the United States the sum of $500 for each such offense, and for each and every day of the continuance of the offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"Any person or persons, natural or artificial, who shall willfully make, or cause to be made, any false entry in any accounts, records, or memoranda kept by a carrier subject to this act, or who shall willfully neglect or fail to make, or cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep or cause to be kept any other accounts, records, or memoranda of said business than those prescribed or approved by the commission, or who shall willfully file, or cause to be filed, any application, certificate, or other paper, required under this act containing false or erroneous statements of fact, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any accounts, records, memoranda, correspondence, documents, papers, or other writings to which the commission has the right of access as above provided, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000 or, if a natural person, to imprisonment for a term of not less than one year nor more than three years, or to both such fine and imprisonment, in the discretion of the court. In construing and enforcing the provisions of this section, the act of any director, stockholder, officer, agent, attorney, employee, receiver, operating trustee, or other person acting for or employed by any carrier, corporation, joint-stock company, or other corporate combination, acting within the scope of his employment, shall be deemed the act of the carrier, corporation, joint-stock company, or other corporate combination, as well as that of the person so acting. The commission may, in its discretion, issue orders designating the operating, accounting, or financial papers, records, books, blanks, tickets, stubs, documents, or other papers or writings to which the commission has the right of access as aforesaid, which may, after a reasonable time, be destroyed, and prescribing the length of time that all or any of the same shall be preserved.

"Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the commission, or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $5,000 or to imprisonment for a term of not exceeding two years, or to both such fine and imprisonment, in the discretion of the court.

"The district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with, or a violation of, any of the provisions of said act to regulate commerce, or of any act supplementary thereto or amendatory thereof, by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them.

"And to carry out and give effect to the provisions of the act to regulate commerce or any amendment thereof the commission is hereby authorized to employ special agents or examiners, who shall have power to administer oaths, examine witnesses, and receive evidence.

"That any common carrier, railroad, or transportation company subject to the provisions of this act receiving property for transportation from a point in one State or Territory of the District of Columbia to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever, shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportations company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in the United States to a point in an adjacent foreign country, or for transportation wholly within a Territory shall be liable to the lawful holder of said receipt or bill of

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lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void: *Provided, however*, That if the goods are hidden from view by wrapping, boxing, or other means, and the carrier is not notified as to the character of the goods, the carrier may require the shipper to specifically state in writing the value of the goods, and the carrier shall not be liable beyond the amount so specifically stated, in which case the Interstate Commerce Commission may establish and maintain rates for transportation dependent upon the value of the property shipped as specifically stated in writing by the shipper. Such rates shall be published as are other rate schedules: *Provided further*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided further*, That it shall be unlawful for any such common carrier to provide by rule, contract, regulation, or otherwise, a shorter period for giving notice of claims than ninety days and for the filing of claims for a shorter period than four months, and for the institution of suits than two years: *Provided, however*, That if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery."

SEC. 2. That the act to regulate commerce as amended be further amended by inserting therein a new section, to be designated section twenty a, to be placed after section twenty and before section twenty-one, to read as follows:

"SEC. 20a. That from and after the passage hereof it shall be unlawful for any common carrier subject to the act to regulate commerce, as amended, to issue any capital stock or certificate of stock or any bond or other evidence of interest in or indebtedness of the carrier (hereinafter collectively termed "securities"), or to assume any obligation or liability as lessor of another carrier, or as lessee, guarantor, surety, or otherwise in respect of the securities of any other person, natural or artificial, if connected with or relating to that part of the business of such carrier governed by the act to regulate commerce as amended, even though permitted by the authority creating the carrier corporation—

(a) unless it be for some purpose within its corporate powers and in the public interest, necessary or appropriate to the proper performance of its service for the public, and not intending to impair the financial ability of the carrier to discharge its duty to the public; and

(b) unless and until, and then only to the extent that, upon application by the carrier, and after investigation by the commission of the purposes and uses of the issue and the proceeds thereof, such issue is approved by order of the commission as reasonably necessary or appropriate for the purposes stated.

"Each such application shall be made in such form as the commission may from time to time determine and prescribe, and shall set forth such matters as the commission may require, including:

"First. (a) The total amount of proposed issue, and how authorized by or on behalf of the carrier;

"(b) The number and amount of all of its securities outstanding at any time prior to the date of such application, the amount thereof retired prior to said date, the amount thereof then undisposed of, and whether such amount is held in the treasury of the corporation as a free asset or pledged, and, if pledged, the terms and conditions of such pledge;

"(c) The number and amount of securities then to be issued, and whether to be sold, pledged, or held in the treasury of the corporation as a free asset, or otherwise disposed of or applied, as the case may be, specifying number and amount in each case; if any such securities are to be sold, the terms and conditions of sale; if any part of the consideration to be received therefor is other than money, an accurate and detailed description of such consideration; if any such securities are to be pledged, the terms and conditions of pledge; or if other disposition or application is to be made, a full and detailed explanation thereof;

"(d) The number and amount of its securities so authorized, but not then to be issued;

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"(e) If the issue is of shares of stock, the number thereof, the face or par value thereof, if any, specifying whether common or preferred, and the number and kinds of then outstanding shares previously issued.

"Second. The preferences or privileges granted to the holders of any such securities; the dates of maturity, rates of interest, or fixed dividend, whether cumulative or not, and any conversion rights granted to the holders thereof, and the price, if any, at which any such securities may be retired or redeemed.

"Third. The purposes to which the proceeds of the issue are to be devoted, in such detail as the commission may require.

"Fourth. In case of proposed assumption of any obligation or liability in respect of the securities of any other person, natural or artificial, like showing shall be made as to the financial condition of said other person, as also of the objects sought and benefits to be realized by the carrier from such assumption, to be accompanied by copies of any agreements or contracts therefor.

"Every application for authority, as also every certificate of notification hereinafter provided for, shall be made out under oath, signed, and filed on behalf of the carrier by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the carrier.

"Whenever any securities set forth and described in any application for authority or certificate of notification as pledged or held as a free asset in the treasury of the carrier shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the carrier, such carrier shall, within ten days after such sale, pledge, repledge, or other disposition, file a certificate of notification to that effect, setting forth therein all such facts as are required by subdivision (c) of the foregoing first paragraph, or as may be required by the commission.

"Upon application to the commission for approval of proposed issues of securities the commission shall cause notice to be given to the railroad commission or public service or utilities commission, or other appropriate authority, of each State in which the applicant carrier operates. The railroad commission, public service or utilities commission, or other appropriate State authority thus notified shall have the right to present before the commission such representations as they may deem just and proper for preserving and conserving the right and interests of their people and the States, respectively, as involved in such proceeding. The commission may hold hearings, if it sees fit, to enable it to determine its decision upon the application for authority.

"Nothing herein shall be construed to imply any guaranty or obligation as to such issues on the part of the United States.

"The foregoing provisions of this section 20a shall not apply to notes to be issued by any said carrier maturing not more than two years after the date thereof and aggregating not more than five per centum at any time of the securities of said carrier then outstanding. Within ten days after the date of such notes the carrier issuing the same shall file with the commission a certificate of notification, in such form as may from time to time be determined and prescribed by the commission, setting forth as nearly as may be the same matters as those required in respect of applications for authority to issue other securities.

"The commission shall require periodical or special reports from all carriers hereafter issuing any securities, including such notes, which shall show, in such detail as the commission may require, the disposition made of said securities and the application of the proceeds thereof.

"All issues of securities contrary to the provisions of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the Interstate Commerce Commission, or of any director, officer, or stockholder of the carrier proposing to make the issue; and any director, officer, attorney, or agent of such corporation who assents to, or concurs in, any issue of securities forbidden by this section 20a shall upon conviction be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

"From and after the passage hereof it shall be unlawful for any officer or director of any operating carrier to receive for his own benefit, directly or indirectly, any money or thing of value, in respect of the negotiation, hypothecation, or sale of any securities issued or to be issued by said carrier, or to share in any of the proceeds thereof, or to participate in the declaring or paying of any dividends of an operating carrier from any funds properly included in capital account, or otherwise than from the revenues of said carrier. Any violation of these provisions shall be a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine not less than $1,000 nor more than $10,000, or imprisonment for a term not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court."

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Much has been said in recent years about the proposition of securities of railway corporations. Much has been printed, much has been said in Congress and out of Congress upon this question, and it has reached the stage when national parties have placed provisions in their platforms on this question.

The Committee on Interstate and Foreign Commerce considered it of enough importance to report the bill H. R. 563. We had before that committee many distinguished witnesses, men of broad experience in affairs of this kind—the attorneys of railway corporations and the members of the Interstate Commerce Commission, and men of that character and that type.

There was not a man who appeared before the committee who did not recommend in some way that Congress take some steps for the control and the regulation of the issue of stocks and bonds by railway corporations. It is true that some went much further than others. Some believed that publicity alone, carried through the proper channels by the Interstate Commerce Commission, would be all that was needed to cure these evils. Others as distinguished and as well known in the country believed that we should not only enact further and greater publicity provisions into law, but that the Congress should go far enough to lodge in somebody—and, of course, it was the general consensus of opinion that it should be lodged in the Interstate Commerce Commission—the power of veto over issues of securities. In other words, that we may have the right to say whether or not under a given state of facts the railroad corporation should have the right to issue stocks and bonds. Along this line we have worked in this bill, both along the publicity line and along the line of giving the Interstate Commerce Commission the veto power over the application for the issue of stocks and bonds by railroads engaged in interstate commerce.

This bill contains two provisions which we deem necessary at this time for the protection of the public in the proposition of railway regulation:

First. Greater publicity in financial transactions of railway corporations.

Second. Making it unlawful for railway corporations to issue stocks and bonds or other evidence of indebtedness except for certain specified purposes, and that they shall not be issued for those specified purposes until previous approval by the Interstate Commerce Commission shall have been had.

Some people are going to criticize the form and not the substance of this bill, while others are going to criticize the substance and not the form. Some will say that it is not proper legislation to incorporate in section 20 of the act to regulate commerce. Section 20 of the act to regulate commerce deals almost wholly with the subject of publicity of the actions of common carriers with respect to their dealing with the public. The Hadley commission, appointed under act of Congress (1910) and composed of a body of men of high character and established reputation along this line, went into an investigation of railroad securities with the purpose of recommending to Congress some legislation along this line. The report of the Hadley commission deals wholly with the subject of publicity of securities of common carriers. This, we believe, brings it absolutely as a proper amendment to section 20 of the act to regulate commerce.

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Section 20 of the act to regulate commerce provides that railroad corporations shall make annual reports and such special reports as the Interstate Commerce Commission may direct, and says that the commission shall have at all times access to all accounts, records, and memoranda kept by such carrier, is reenacted. In fact, the whole of section 20 as it now stands is reenacted with the additions in this bill. But this bill goes further and uses the following language, following up that just quoted: "Correspondence and other documents, papers and indexes thereto, regardless of the dates thereof." In the past much has been covered up in the correspondence and papers of the carriers which could not be made accessible under the old law. Believing that this was a defect, and a vital one, we have added that as part of the existing law. You will also note that the bill provides that this correspondence and these documents and papers shall be accessible to the commission, regardless of the dates thereof. The reason of this language may be made clear by quoting from the statement of Commissioner Clark before the Committee on Interstate and Foreign Commerce, as follows:

> A situation has grown up since our annual report was submitted to Congress and under which the railroads take the position that the provisions of section 20 have no application to any books, records, memoranda, etc., which are older than the effective date of the so-called Hepburn Act. In other words, that under section 20 we can go back through all of these records—except that they have challenged our right to go into correspondence—to August 28, 1910, but beyond that is a sealed book. If this was so, if the law is permanently so considered, it means that a great deal of the vitality shall have been sapped.

This was the celebrated Louisville & Nashville case, in which the Interstate Commerce Commission was acting in response to a resolution of the Senate. Since Commissioner Clark made this statement, the Supreme Court has decided that the words "records, documents, accounts, and memoranda" are not broad enough to cover correspondence, etc.

From this statement from a member of the Interstate Commerce Commission you can readily see the absolute necessity for the bill's provision making these papers, documents, correspondence available regardless of their date. In our determination to get full information in regard to the business transactions of the carriers we did not stop with this, but go much further, as will be seen from the following language used in connection with the power of the commission to employ special agents or examiners who shall have authority, under orders of the commission, to inspect and examine into all such records, documents, accounts, and memoranda, and then we add, "and also books, papers, correspondence, and indexes thereto, of carriers, construction or other companies, or of firms or individuals, with which a carrier shall have had financial transactions."

We believe this is a proper authority to give the commission, and further believe that it is absolutely a necessary power to give it in order that it may surround itself with all of the facts regarding financial transactions of these railroads, in order that they may be able at all times from this great fund of information at hand to deal with all applications of railroads in the matter of rates and regulation otherwise.

We go further than these provisions just suggested and we say that the Interstate Commerce Commission may in its discretion call upon the railroad companies to make public to their shareholders

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such information as the commission desires and in such form as the commission may direct. A great wrong has been practiced along this line by those higher up in authority in these carrier corporations by keeping the men who hold the shares of stock, and who are vitally interested in the business of the companies, absolutely in the dark as to the financial transactions in which they have an interest. It is believed that when that part of this bill becomes a law that it will be a great boon to the small investor in railways in this country. We believe that it takes this, added to the other provisions requiring publicity in this bill, to round it out and make it what it should be along the lines of publicity. And to further justify the position that we have taken upon this publicity proposition in this bill, we quote from section 6 of the recommendation of the Hadley commission as follows:

> Upon the whole, your commission believes the accurate knowledge of the facts concerning the issues of securities and the expenditures of their proceeds is a matter of utmost importance. It is the one thing on which the Federal Government can effectively insist to-day; it is the fundamental thing which must serve as a basis for whatever additional regulation may be desirable in the future.

We believe that when we have built up this great line of publicity as suggested in this bill, it would be a great boon to the country, and its beneficent results would be felt throughout the country, especially among the people who are dealing with the railroads and who are engaged or in any way connected with the securities of railroad corporations.

APPROVAL BEFORE ISSUE.

We now come to the second part of the amendment to section 20, that of the control of the issues of stocks and bonds and other securities of railroads and the approval of the Interstate Commerce Commission before any issues of stocks and bonds or other evidences of indebtedness may be made. Much has been said of late years concerning and much proper criticism has come from the public in regard to the overissue of stocks and bonds and overcapitalization of railroads, and many abuses along this line have brought us to believe that legislation along this line is absolutely necessary at this time. Commissioner Clements in his testimony before the Committee on Interstate and Foreign Commerce substantially says:

> I have believed for a good many years that there ought to be some regulation, at least to the extent of restricting and limiting the power of corporations engaged in interstate commerce to issue stocks and bonds. This condition has been a matter of growth in my own mind and judgment. I have always been rather inclined to the general theory of as little regulation as was necessary as being better than to have any that is superfluous. But experience and observation have convinced me that there should be some regulation at the base as well as at the top of this matter of common-carrier organization and operation.

You will see from this statement—and it is concurred in by a majority of the Interstate Commerce Commission—that they believe some steps along the line of Federal control of the issues of securities engaged in interstate commerce is absolutely necessary and imperative, and, being in harmony with this law, your committee has added section 20A, which says that it shall be unlawful for any common carrier subject to the act to regulate commerce to issue any capital stock or certificate of stock, any bond or other evidence of indebtedness, or assume any other obligation or become the lessor of any

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other railroad, or the guarantor or surety for the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, except for some purpose necessary to the proper performance of its service for the public and not tending to impair the financial ability of the carrier to discharge its duty to the public, and goes on to say that extensions and improvements of its railroads and terminals in connection therewith increasing and improving the equipment, refunding and retiring existing bonds, and similar and kindred purposes shall be held to be necessary purposes in the meaning of this law.

By the unbridled and unregulated system in the past of the railroads of the country loading themselves down with unnecessary and inappropriate issues of stocks and bonds, we believe that the railroad companies have placed themselves in a position where they have not been able to perform their duties to the public. We do not say that capitalization is the all-controlling factor in the making of rates, but we do say that it is one of the great determining factors in making and promulgating railroad tariffs. When a railroad company is allowed to unnecessarily load itself down with spurious securities of one kind and another, every thoughtful man will agree that the ability of the carrier to perform its functions is impaired. The present deplorable conditions of the railroads of this country are but an echo of bad management upon the part of the railway officials.

This bill was passed by the House in the Sixty-third Congress with only 12 dissenting votes. It would in all probability have passed the Senate but for conditions arising out of the European war. With this great indorsement of the last House, we believe it should again pass, and this time be passed by the Senate and become law. It is our firm belief that when the provisions of this bill are law it will put a stop to the railroad wreckers in this country and will redound to the good of all, the honest railroad management as well as the shipping and investing public. We are of the opinion, after much study of the subject, that all railroads of the country that are not badly located would at this time, and during the period of depression that has to some extent ended, be making a fair return on an honest capitalization. This bill simply provides for honest capitalization and honest management; we therefore confidently believe that the Congress will eagerly concur in its provisions.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 350.

SECTION 20 OF THE ACT TO REGULATE COMMERCE.

MARCH 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 722.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 722) to amend section 20 of an act to regulate commerce, approved February 4, 1887, as amended, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

The provisions of the bill herewith reported have been several times recommended by the Interstate Commerce Commission, the decisions of the Supreme Court having rendered the passage of the bill absolutely necessary to enable the commission to perform its duties. The commissioners have appeared in person and represented to your committee the absolute necessity for the amendment proposed, and your committee reports the bill without amendment with a recommendation that it do pass and that it shall not be referred to the joint committee proposed in Senate joint resolution No. 60, and that its consideration and passage shall not be delayed by the passage of that resolution.

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VIEWS OF MR. RICHARD WAYNE PARKER.

I agree, but the bill should include indexes and should be limited to correspondence, etc., that is material, competent, and relevant, or it may be held unconstitutional.

The purpose of this bill is to aid the Interstate Commerce Commission to all material information, including material documents and correspondence, and because I sympathize with that purpose, I hope that the bill will be made complete and constitutional.

1. Special stress was laid by the witnesses upon the indexes to correspondence and documents without which it would be almost impossible not to get lost in the great mass of railroad business.

The bill should be amended by inserting after the word "correspondence" wherever it occurs, the words, "and indexes thereto."

2. In order to make this bill constitutional as a reasonable search, the right of inspection by subordinate inspectors should be limited to such documents, papers, and correspondence as are material, competent, and relevant, and the words, "material, competent, and relevant" should be inserted after the words "including all," wherever they occur in the bill.

As amended, the first insertion will be "including all material, competent, and relevant documents, papers, and correspondence and indexes thereto now or hereafter existing and kept or required to be."

It is of the greatest importance that this section should be constitutional, and there is much correspondence in the carrier's files which has nothing to do with any matter before the commission. The correspondence must necessarily contain suggestions, possibilities, hopes, views as to personal character, etc., especially in the management of law cases, laying out of new lines or connections, decisions as to policy, selection of men, and many other matters essentially private. Letters can all be brought before the commission by subpœna under another section of the interstate commerce act, subject only to the decision of a court as to whether they are material and competent.

The railroad does a public duty and so do the Senate, Cabinet, the courts, and the Interstate Commerce Commission itself. What they do is public, but the information, deliberations, and consultations of all these bodies are often private. While Congress regulates the acts and the work of common carriers, it seems unwise to risk making this bill unconstitutional by providing that any mere inspector may see really confidential correspondence as to confidential matters—say the evidence to be prepared in a suit or the character and history of persons applying for place. The right of inspection should be limited to what they have a right to see—what is material, relevant, and competent.

RICHARD WAYNE PARKER.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 351.

ACT TO REGULATE COMMERCE.

MARCH 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 308.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

Your committee has long been of opinion that this bill should pass. In the Sixtieth Congress this committee reported to the House and the House passed a bill increasing the commission to nine members because it was then manifestly necessary in order to transact the increasing business of the commission, which had largely been increased by the Hepburn bill of 1906 and other bills. The business of the commission has been much more largely increased by several enactments since, and it is not only necessary to increase the number but also to permit the body itself, by authority of law, to subdivide itself into different units so as to distribute the work and give adequate consideration to the various important matters committed to that commission. The work at present is so onerous and diversified that it is impossible for the commissioners to give personal attention to the various cases and complaints filed and there is occasional discontent and criticism that the cases can not receive the personal attention of the commissioners themselves but have to be heard and passed upon by agents and examiners. It is believed that if this bill passes these complaints will cease because the cause thereof will be removed and a commission with nine members, with authority to subdivide itself into three or more subdivisions each with authority to act, will be able to give its own official attention to all matters of business that come before it.

The President himself in urging the joint committee thought that this matter should not be referred to the joint committee pro-

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posed in Senate joint resolution 60 nor have its consideration delayed nor prevented by the passage of that resolution. Although strongly recommending that the joint committee be raised as provided in Senate joint resolution 60, the President has expressly requested that this bill should be reported separately and passed by Congress, as it is urgently demanded to meet the present emergency.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 352.

INTERSTATE AND FOREIGN COMMERCE.

MARCH 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. J. Res. 60.]

The Committee on Interstate and Foreign Commerce, to whom was referred the joint resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce and the necessity of further legislation relating thereto and defining the powers and duties of such subcommittee, having considered the same, report thereon with amendments, and as so amended recommend that it pass.

Amend the resolution as follows:

Page 2, line 2, strike out the word "of," after the word "incorporation," and insert in lieu thereof the word "or."

Page 2, line 6, after the word "telegraph," insert the word "wireless."

Page 2, line 13, after the word "witnesses," insert the following: "to administer oaths and to require the various departments, commissions, and other Government agencies of the United States to furnish such information and render such assistance as may, in the judgment of the joint subcommittee, be deemed desirable."

Page 2, lines 16 and 17, strike out the words "as expeditiously as may be" and insert in lieu thereof the words "on or before the second Monday in January, 1917."

On the 7th of December, 1915, President Wilson delivered to Congress his annual message, which contained the following paragraphs:

In the meantime may I make this suggestion? The transportation problem is an exceedingly serious and pressing one in this country. There has from time to time of late been reasons to fear that our railroads would not much longer be able to cope with it successfully, as at present equipped and coordinated. I suggest that it would

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be wise to provide for a commission of inquiry to ascertain by a thorough canvass of the whole question whether our laws as at present framed and administered are as serviceable as they might be in the solution of the problem. It is obviously a problem that lies at the very foundation of our efficiency as a people. Such an inquiry ought to draw out every circumstance and opinion worth considering and we need to know all sides of the matter if we mean to do anything in the field of Federal legislation.

No one, I am sure, would wish to take any backward step. The regulations of the railways of the country by Federal commission has had admirable results and has fully justified the hopes and expectations of those by whom the policy of regulation was originally proposed. The question is not what should we undo, it is whether there is anything else we can do that would supply us with effective means, in the very process of regulation, for bettering the conditions under which the railroads are operated and for making them more useful servants of the country as a whole. It seems to me that it might be the part of wisdom therefore, before further legislation in this field is attempted, to look at the whole problem of coordination and efficiency in the full light of a fresh assessment of circumstances and opinion as a guide to dealing with the several parts of it.

While there appeared to be a disposition in the two Houses of Congress to honor the suggestion of the President, it was not deemed wise to create an outside commission but a joint subcommittee of the committees of the two Houses of Congress clothed with jurisdiction of the subject of transportation, therefore the joint resolution herewith reported to the House was introduced and passed by the Senate.

Many questions are suggested as demanding investigation and solution and are urged as reasons in support of the joint resolution. It is claimed that the transportation of the country is congested and retarded, greatly to the detriment of commerce, for the want of adequate facilities. Thousands of freight cars loaded with the products of our country—factory, field, and mine—are occupying many miles of terminals and sidetracks in our principal cities vainly awaiting unloading, storage, or forwarding. If this state of stagnation and congestion is not promptly relieved, depression will grow worse, and the business of agriculture, manufacture, mining, and merchandising will languish and be seriously demoralized, to the consequent suffering and loss generally among our people.

On the 6th and 7th instants the Interstate Commerce Commission held hearings, at which the leading shippers, forwarders, and transportation managers of the country appeared. The purpose was to seek some plan of relief for the present distressing congestion. As no solution was reached by agreement of the various interests, the Interstate Commerce Commission is still considering this important matter.

It is announced by experts who claim to know that it will require an expenditure of from $5,000,000,000 to $15,000,000,000 to supply the railroads of the country with sidetracks, warehouses, terminal facilities, and the other equipments and improvements necessary to handle the transportation business of the country, present and prospective, in the near future.

In addition to that, when normal conditions are restored following the present universal war and its disastrous effects on our people the tremendous increase of the industries and business of our country will more and more burden railroads inadequately equipped and demand increased facilities. As the railroads must expend a vast outlay of money to handle business before they can expect to derive revenue therefrom, the question of financing these necessary and

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vast improvements becomes a momentous one, and that is one of the questions which the railroads desire to present for consideration and solution by this subcommittee if raised by this joint resolution.

Members of the Interstate Commerce Commission appeared before your committee and advised us as to the tremendous increase in the volume, importance, and diversity of its business as well as the difficulties of transacting and disposing of same in a satisfactory manner, suggesting several changes in the law affecting their organization and procedure. Since the approval of the act to regulate commerce in 1887 the system has had a gradual and irregular growth by various and sometimes sporadic amendments, some of them making decided if not radical changes in the original plans and policies and some of them adding new and important activities. So that the entire law to regulate commerce now in force is not a uniform, compact, symmetrical structure, easily understood, but is an incoherent growth, sometimes inconsistent, in some parts hardly reconcilable, and, to say the least of it, the diversities and incongruities should be carefully considered and wherever possible unified and improved, to the end that the Federal regulation of carriers may be successfully carried on with the best possible service to the public.

The improvement of the telephone and telegraph, both wired and wireless, and the operations of the express companies and the connection of our local transportation system with foreign traffic all having grown up or undergone changes in recent times are worthy of study and demand in the interests of the public service thorough consideration.

The various subjects mentioned for consideration by the joint committee proposed if thoroughly investigated will be better understood by the public, and the investigation will therefore in all probability enable Congress, with the approval of the people, to settle these questions to the best interests of the public. The subject of transportation is vital to the interests of our whole people, and the fact that our Government has undertaken Federal regulation of interstate and foreign commerce with such a marked degree of success inspires us with faith that the defects in the system can be corrected and the system very largely improved, and to that end there can not be too much light secured and thrown upon the questions involved. Your committee is satisfied, as suggested by the President, that no backward step is contemplated, and so far as this committee or any members of it may be connected with any such investigation no such backward step shall be recommended, but it is the earnest hope of every member of your committee that the investigation, if ordered, shall be directed to the detection of defects in the system, the establishment of truth as to the best way to remedy these defects, and the perfection of the system for the increased convenience and prosperity of the people in every way that human legislative wisdom can accomplish perfection in anything.

If amended as suggested your committee recommends that Senate joint resolution No. 60 do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 353.

TERMS OF DISTRICT COURT IN IOWA.

MARCH 14, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. NEELY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 1294.]

The Committee on the Judiciary, having had under consideration the bill (S. 1294) to amend section 81 of the Judicial Code, report the same back with the recommendation that it do pass.

The sole purpose of this bill is to transfer Johnson County from the northern to the southern judicial district of the State of Iowa.

No record was made of the evidence submitted to your committee on the hearing relative to this bill, but it was conclusively shown by the same that the transfer of Johnson County from the northern to the southern judicial district of the State of Iowa, as provided for in the bill, is approved and desired both by the bench and bar affected, and that there is no opposition to the passage of the bill.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 354.

TO EXTEND THE TIME FOR CONSTRUCTING BRIDGE ACROSS THE MISSISSIPPI RIVER AT OR NEAR BATON ROUGE, LA.

MARCH 14, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 3722.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., having considered the same, report thereon with a recommendation that it pass.

The following is the report of the Senate Committee on Commerce on this bill:

The Committee on Commerce, to whom was referred the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

WAR DEPARTMENT,
Washington, February 18, 1916.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

MY DEAR SIR: In further reply to your letter of the 24th ultimo, inclosing, with request for the views of the department thereon, Senate bill 3722, Sixty-fourth Congress, first session, "To extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.," I beg to state that the bill has been under the consideration of the Chief of Engineers of the United States Army, who reports to me as follows:

"By an act of Congress approved March 2, 1913, the Baton Rouge Bridge & Terminal Co. was authorized to construct a bridge across the Mississippi River at or near Baton Rouge, La., under the provisions of the greneral bridge act, with a proviso that the bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad trains and trolley cars, it shall provide for a separate roadway and approaches, and the continuous use as a highway bridge.

"Under the date of February 28, 1914, the chairman of the Committee on Interstate and Foreign Commerce referred, with a request for the views of the department thereon, H. R. 13985, Sixty-third Congress, second session, to authorize the construction of a

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bridge across the Mississippi River at or near Baton Rouge, La., by the same company. That bill, in all essential particulars, was identical with the terms of the act approved March 2, 1913, except that the provision requiring the use of the bridge for highway purposes was omitted. Assuming that the object of the bill was merely to extend the life of the act, a report in accordance with that view was submitted by the department to the committee, inclosing for its consideration an amended copy of the bill to effect that purpose. The committee accepted the department's report and recommended the passage of the bill as amended, which would have left the original act unchanged, as was intended. Congress, however, passed the bill in its original form, and the measure became a law by an act approved July 17, 1914.

"The object of the bill now under consideration is to extend the time limit of the act approved July 17, 1914, and, from the standpoint of navigation interests, I know of no objection to its passage by Congress, unless Congress desires to restore the provisions for its use as a highway bridge."

Very respectfully,

H. L. SCOTT,
Secretary of War ad interim.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 355.

BRIDGE ACROSS MISSOURI RIVER BETWEEN YANKTON COUNTY, S. DAK., AND CEDAR COUNTY, NEBR.

MARCH 14, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT:

[To accompany S. 4190.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 4190) authorizing the Yankton County Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr., having considered the same, report thereon with a recommendation that it pass.

The following is the report of the Senate Committee on Commerce on this bill:

The Committee on Commerce, to whom was referred the bill (S. 4190) authorizing the Yankton County Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr., having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

WAR DEPARTMENT, *February 29, 1916.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that S. 4190, Sixty-fourth Congress, first session, "Authorizing the Yankton County Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr.," makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

H. L. SCOTT,
Secretary of War ad interim.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 356.

CUTTERS FOR THE COAST GUARD.

MARCH 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 2719.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard, having considered the same, report thereon with a recommendation that it pass.

The following is the report of the Senate Committee on Commerce on this bill:

The Committee on Commerce, to whom was referred the bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of the Treasury, as will appear by the following letter, which is made a part of this report:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 30, 1915.

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

SIR: I am in receipt of your letter of the 23d instant, inclosing a copy of a bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard, and requesting the views of the department concerning the bill.

The matter of new cutters for the Coast Guard is one of the greatest importance. Congress, by wise legislation, has made it possible to place the personnel of this valuable branch of the Government in a state of efficiency, both for its humanitarian duties of life and property saving in time of peace and for its military duties in time of war. An organization of this kind in accomplishing its work depends upon its personnel and equipment about equally. To have an efficient personnel and inadequate equipment for the proper performance of the duties assigned to them is, of course, not consistent with proper administration. For that reason, in my last annual report, I particularly emphasized the need of new vessels for the Coast Guard, and it is gratifying to know that this bill has been introduced and referred to your committee, as it embodies the recommendations of this department. The vessels enumerated in the bill are needed for the following reasons:

1. Two new cutters for the Pacific coast, at a total cost of $700,000.

Two cutters attached to the Bering Sea patrol fleet, the *Perry* and *Tahoma*, were lost in the waters of Alaska in 1910 and 1914, respectively, by striking uncharted reefs. Every effort has been made to have these vessels replaced, as their services are sorely needed, so much so that the department is seriously embarrassed in its endeavor to properly fulfill our international agreement to patrol the waters of the Bering Sea for

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the protection of the seal herds on the Pribilof Islands. The two new vessels are to replace the *Perry* and *Tahoma*, and it is strongly urged that they be authorized at the earliest practicable time.

2. One new harbor cutter for New York, at a cost of $125,000.

This is to replace the existing cutter *Manhattan*, a vessel of the tugboat type now 42 years old. There have been repeated recommendations regarding the replacement of this vessel, and it is with great difficulty that she is able to perform any service at all in connection with her important duties of enforcing the anchorage laws in the waters of New York Harbor. At best she can only be used in fair weather, and she is so slow, owing to her worn-out machinery, that it is almost impossible to cover the district assigned her. In order to keep certain parts of the harbor clear of ice in extremely cold weather, it is proposed to design this new vessel with special reference to breaking ice in the channels when the requirements of commerce make it necessary. Plans for this vessel are already prepared, and it is very urgent that the appropriation be made for her at the earliest practicable time.

3. Two or more cutters, in a total sum not to exceed $50,000.

This is to cover the cost of replacing the old Coast Guard cutter *Hartley*, now engaged in customs duty in San Francisco Harbor, and to provide two fast motor launches to be used in patroling the shoal waters along certain of our borders. The *Hartley* is now 40 years old, and as she was built of wood is now practically worn out, both as to hull and machinery. The boat is not worth rebuilding. In April, 1914, without accident of any kind, she began to fill at her dock and was quickly taken to shoal water, where she sank. She was subsequently raised and again put in service, but if this accident had occurred while she was under way, the lives of her crew and of the customs inspectors who are obliged to use the vessel would have been seriously jeopardized. It is hoped to be able to purchase a harbor vessel already built to take her place, as her services are needed just as soon as possible.

4. Three light-draft river cutters for service on the Ohio and Mississippi Rivers and their tributaries, at a total cost not to exceed $240,000.

In the last two annual reports of this department Congress has been urged to authorize the construction and maintenance of three light-draft cutters for use on the Ohio and Mississippi Rivers and their tributaries. In recent years it has been necessary on occasions of great floods to send Coast Guard crews from the Great Lakes and the coasts for rescue work among the inhabitants of the flooded districts. With the maintenance of three vessels of the kind proposed there will, undoubtedly, be many lives and much property saved upon the occasions of these great floods which occur almost annually. These three rescue boats could follow the crest of the flood from Pittsburgh down to New Orleans, and there is no doubt that the beneficial results of their work will make the small expenditure necessary for their construction and maintenance a very good investment for the Government. At times when floods are not raging, these vessels can be efficiently employed in regulating the vast fleet of motor and other boats on our inland waters, and in rendering assistance to vessels in distress and to exposed property along the water fronts. There are also many occasions when they may be employed in the duty of protecting life and property at regattas and marine pageants, as required by law. It would appear as a general proposition that the people along these great inland waterways have as much right to protection from the elements as those who live along the seacoasts and the Great Lakes. It is estimated that each of these boats could be constructed and equipped with power lifeboats and all other necessary apparatus for the sum of $80,000. It is earnestly requested that Congress give this matter its attention and that the appropriation be made.

In previous communications to the committee it has been pointed out that to maintain the Coast Guard fleet in an efficient condition there should be authorized two new vessels annually. This has not been done, and the result is that the fleet of cruising and harbor cutters is much depleted and far from being in the condition in which they should be maintained. During the past decade the following vessels have been authorized:

	Vessels.		Vessels.
1905	1	1911	0
1906	2	1912	0
1907	4	1913	0
1908	0	1914	2
1909	0		
1910	2	Total	11

Eleven new vessels in 10 years is by no means sufficient to properly maintain the efficiency of the Coast Guard fleet, and this humanitarian branch of the Government is

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therefore, seriously handicapped in its endeavor to accomplish the work expected and required of it. In addition it should be noted that 10 of the existing vessels are now 20 years old or over, 4 of them being over 35 years old.

While it is essential that these new vessels be authorized if the Coast Guard is to continue to perform the duties required of it in time of peace alone, it should not be overlooked that the vessels proposed in this bill will be also an asset in the matter of national preparedness, since in every naval war in which this country has been engaged the cutters have taken an important part. The experience of the great war in Europe demonstrates conclusively that small vessels of the types proposed in this bill are an essential part of naval equipment.

Respectfully,

W. G. McAdoo, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 357.

BRIDGE ACROSS WABASH RIVER AT SILVERWOOD, IND.

MARCH 14, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[T accompany H. R. 13006.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13006) to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana, and the maintenance and operation of the bridge so reconstructed, having considered the same, report thereon with amendment, and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Page 1, line 6, after the word "and," insert the words "maintain and."

WAR DEPARTMENT, *March 11, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that H. R. 13006, Sixty-fourth Congress, first session, "To authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana, and the maintenance and operation of the bridge so reconstructed," by the Toledo, St. Louis & Western Railroad Co. and Walter L. Ross, its receiver, makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress, so far as those interests are concerned.

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 358.

SECTIONS 4898, 4906, 4921, 4934, AND 4935, REVISED STATUTES.

MARCH 15, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. OGLESBY, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 12716.]

The Committee on Patents, to whom was referred House bill 12716, respectfully report that they have had the same under consideration and recommend that the bill be passed.

The bill proposes to amend sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes.

The only amendment proposed to section 4898 is the insertion of the words "or prior to such subsequent purchase or mortgage" at the place indicated in lines 5 and 6 on page 2 of the bill.

Section 4898 now provides that an assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice unless such instrument be recorded in the Patent Office within three months from the date thereof. This requirement operates unjustly in providing that an assignment, if recorded after three months from the date thereof, shall have no effect as constructive notice to a subsequent purchaser or mortgagee for a valuable consideration. This amendment modifies the law so as to declare that while the assignment would be valid without recording for the period of three months from and after its date, thereafter it shall be void against a subsequent purchaser or mortgagee for a valuable consideration without notice, unless it be recorded in the Patent Office prior to the date of such subsequent purchase or mortgage, so that should the assignee fail through forgetfulness or accident to file his instrument or assignment within three months, he may still file it for record at a subsequent period, and such filing would then give constructive notice from the date of its actual filing.

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The only amendment proposed to section 4906 is to add at the end of the present section the following language:

And the provisions of section eight hundred and sixty-nine of the Revised Statutes relating to the issuance of subpœnas duces tecum shall apply to contested cases in the Patent Office.

The present statute does not provide for subpœnas duces tecum in interference cases. Your committee is of the opinion that this remedy should be provided and propose that this be done by amending section 4906 of the Revised Statutes by adding thereto the amendment above indicated.

The only amendment proposed to section 4921 is the addition of the following words at the end of the section:

And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order the names and addresses of the litigants, names of the inventors, and the designating numbers of the patents involved, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to indorse the same upon the file wrapper of the said patent or patents and to incorporate the same as a part of the contents of said file or file wrapper, and for each notice required to be furnished to the Commissioner of Patents in compliance herewith a fee of 50 cents shall be taxed by the clerk as costs of suit.

Many of the decrees of the lower courts in patent litigation are not published, and many suits are not prosecuted to decree, and the facts developed therein are not available to the party as the law now stands.

The purpose of this amendment is to enable anyone to determine litigation in which any patent has been involved and to ascertain all the facts disclosed in suits brought for infringement or affecting the validity of a patent whether prosecuted to a decree or not.

The amendments proposed to section 4934 of the Revised Statutes consist in the insertion of the words "under one patent, application, or invention" in lines 4 and 5, page 4 of the bill, and of the words "and for each additional patent, application, or invention included in one writing, 25 cents," in lines 7, 8, and 9 on page 4 of the bill.

In explaining his reasons for recommending such changes in the present law the Commissioner of Patents stated in his report to Congress for the year ending December 31, 1915:

Under section 4934 of the Revised Statutes, originally enacted in 1870, the maximum fee for recording each "assignment, agreement, power of attorney, or other paper," was $3. Assignments have been and are now being received and recorded weekly that embody hundreds of patents and thousands of words. Recently, for example, there were recorded eight writings, three of which contained 966 patents, applications, and trade-marks, and the legal fees for recording the eight writings were $30 under the Revised Statutes mentioned, as amended May 27, 1908. The actual time occupied by the clerical force in verifying and supplying missing data of these patents, digesting, indexing, recording, and comparing was 172 hours, equivalent to the time of one clerk for 24½ days. At a minimum fee of 50 cents per hour legally chargeable for this class of work the cost to the office for recording these writings was $86, nearly three times the amount paid therefor.

In addition to the number of words in writing presented for record, a nominal fee for each additional patent, application, design, trade-mark, or invention enumerated therein should, in my judgment, be charged. It is therefore suggested that 25 cents be charged for each of said additional items. I may add that this recommendation was included in the report to Congress of the investigation of the United States Patent Office by the President's Commission on Economy and Efficiency in December, 1912, and reference is made therein to this matter on pages 185–196.

It is therefore recommended that section 4934 be suitably amended to provide for this change in fees.

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Section 4935 of the Revised Statutes reads as follows:

Patent fees may be paid to the Commissioner of Patents, or to the Treasurer, or any of the Assistant Treasurers of the United States, or to any of the designated depositories, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose; and such officer shall give the depositor a receipt or certificate of deposit therefor. All money received at the Patent Office, for any purpose, or from any source whatever, shall be paid into the Treasury as received, without any deduction whatever.

The purpose of the amendment to this section proposed in this bill is to eliminate the provision for payment by Treasury certificate of deposit.

With reference to this proposed amendment the Commissioner of Patents says in his report to Congress for the year ending December 31, 1915:

Less than 3 per cent of the patent fees are paid by certificate of deposit, and this method of payment is a source of confusion and trouble. Under the regulations of the Treasury Department these certificates, when issued, are forwarded by the depositary to the Patent Office, and the depositor is therefore without means to control the actual time of payment into the Patent Office other than to receive the benefit of payment as of the date upon which the deposit is made.

The weekly issues of patents are made up of cases in which the final fees have been received by the office not later than Thursday. Under the rules of the Patent Office the patents bear date as of the fourth Tuesday following the close of the issue, the intervening time being required to lithograph and engross the patent papers. It has happened in many cases that the failure to issue a patent upon a date arranged for by the inventor is due to the delay of the depositary in forwarding to this office the certificate of deposit. For instance, an inventor residing in Chicago will make payment of his final fee at the subtreasury on Monday, expecting that the patent will be in the issue which closes on the following Thursday; but if the depositary delays the transmission of this certificate until too late to reach the office by Thursday the issue of the patent goes over one week, very often to the inconvenience and disappointment of the inventor, and it will be several days before the unfavorable condition becomes known to the inventor, at which time it will be too late to correct the error. In numerous other cases there has been a failure of the depositary to date the certificate, and this necessitates correspondence and further delay in the issuance of the patent, for the fee can not be credited as having been paid unless the date of deposit thereof be shown.

When a certificate of deposit is used to pay the filing fee of an application a bad situation sometimes arises. An inventor residing, say, in one of the Pacific coast cities, will lodge in this office an application for patent complete except as to the fee, and on the last day of the year within which he could make payment of the fee under the law he will make a deposit of the fee with a depositary. Eight or ten days thereafter, and after the expiration of the year, the office will receive the certificate, but must antedate the completion of the application to the date of the deposit of the fee. This requires that the application be given a fractional serial number, and otherwise disarranges the continuity of our records. When a final fee is paid by an inventor under similar circumstances, it acts to prolong by eight or ten days the period during which the application is pending, contrary to the purposes of the law.

Payment by certificate of deposit is discriminatory and unfair to inventors residing in small places remote from Washington in that such inventors, not having access to a depositary, are required to pay their fees in the form of remittance by cash, bank draft, or money order such a time in advance as to insure the receipt of the remittance within the lawful period. It is therefore apparent that section 4935, Revised Statutes, should be amended so as to require all fees to be paid directly into the Patent Office.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 360.

TO AMEND SECTION 14 OF SEAMEN'S ACT.

MARCH 15, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 13112.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 13112) to amend section 14 of the seamen's act of March 4, 1915, having considered the same, report it to the House with the recommendation that it do pass.

The bill amends subdivisions third and fourth of subsection 14, headed "Life jackets and life buoys," as regards the number of life buoys with which steamers navigating the ocean or any lake, bay, or sound of the United States shall be equipped.

The third subsection referred to provides that the minimum number of life buoys on vessels under 400 feet in length shall be 12. The bill divides vessels under 400 feet in length into four classes, and provides the minimum number of life buoys with which vessels in these classes shall be as follows:

Vessels under 100 feet in length, minimum number of buoys 2; vessels 100 feet in length and under 200 feet in length, minimum number of buoys 4, two of which shall be luminous; vessels more than 200 feet and under 300 feet in length, minimum number of buoys 6, of which two shall be luminous; vessels 300 feet and under 400 feet in length, minimum number of buoys 12, of which four shall be luminous.

The fourth subdivision is amended to conform in the matter of life buoys and life lines to subdivision 3 as amended by the bill.

Section 14 of the seamen's act contains the provisions of the International Convention on Safety of Life at Sea in respect of lifeboats, floats, rafts, life preservers, and other life-saving appliances and equipment, adopted at London, England, in January, 1914, to which this Government was a party. The convention was framed to apply to vessels of the signatory nations in the overseas trade. The committee in drafting section 14 of the seamen's act modified the pro-

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visions of the London convention in respect to vessels in our coastwise trade, and on lakes, bays, and sounds, but overlooked the requirements as to life buoys on vessels under 400 feet in length.

Most of the vessels in the overseas trade are 300 feet long or over, and the provisions of the convention may reasonably apply to them. The same reason does not apply to the smaller vessels and particularly those on our lakes, bays, and sounds.

The seamen's act went into effect as to vessels of the United States on November 1, 1915, and when the provisions as regards life buoys were called to the attention of vessel owners by the Steamboat-Inspection Service, they complained that they were unnecessarily severe and would work a hardship upon them. The owners of tug boats claimed that their crews are small and the spaces where the buoys might be placed were very limited.

A meeting of the representatives of the interests affected was held at the office of the Secretary of Commerce in December last, at which the Secretary of Commerce, the Supervising Inspector General of the Steamboat-Inspection Service, the Commissioner of Navigation, the chairman of this committee, and a large delegation of agents and owners of vessels affected were present, and the whole question was considered with the result that it was agreed that the amendments of the law proposed by the bill might reasonably be made and at the same time make ample provision in the matter of life buoys for saving life on vessels to which the bill applies.

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64TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 361.

THE ELIMINATION OF ADULT ILLITERACY.

MARCH 15, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ABERCROMBIE, from the Committee on Education, submitted the following

REPORT.

[To accompany H. R. 57.]

The Committee on Education, to whom was referred H. R. 57, have considered the same and submit the following report, with the unanimous recommendation that the bill be passed.

The bill reads as follows:

A BILL To require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Education shall, under the direction of the Secretary of the Interior, investigate the methods that have been and are now used in any part of the United States and in foreign countries in teaching illiterate men and women to read and write and in inducing and assisting those of meager education to extend their knowledge of subjects pertaining to their individual welfare and to their duties and responsibilities as citizens and members of society, and that he shall devise efficient and economic methods for teaching adult illiterates and men and women of meager education, both native and foreign born, in the United States, promote plans for the elimination of illiteracy and the extension of education among the adult population, and cooperate with State, county, district, and municipal education officers and others in putting these plans into operation.

SEC. 2. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 for the fiscal year ending June thirtieth, nineteen hundred and sixteen; the sum of $22,500 for each succeeding fiscal year until June thirtieth, nineteen hundred and twenty; and the sum of $17,500 for each fiscal year from July first, nineteen hundred and twenty, to June thirtieth, nineteen hundred and twenty-five: *Provided*, That no part of the money herein appropriated shall be used to pay teachers or school officers in any State or Territory or in the District of Columbia for teaching or for conducting or supervising any school or schools: *Provided further*, That the Commissioner of Education shall not undertake to promote the teaching of adult illiterates and men and women of meager education in any State or Territory of the United States or in the District of Columbia by cooperation or otherwise without the written invitation or consent of the board of education or the chief school officer in such State, Territory, or District of Columbia.

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Since the Bureau of Education has authority already "to collect statistics and facts showing the condition and progress of education in the several States and Territories and to diffuse such information," it will be seen that the additional powers proposed to be conferred are limited to the legitimate functions of the bureau.

There are in the United States about five and one-half million men, women, and children over 10 years old, something more than 7 per cent of the total population of this age who are unable to read and write in any language. Of these, four and three-quarter million, or more than 9 per cent of the total population of that age, are over 20 years old. Fully half of these are young men and women with many years of life yet before them to be lived out with the handicap of total illiteracy unless they are encouraged and assisted to throw off the burden. With proper encouragement and assistance, most, if not all, of these would learn to read and write and to do simple practical problems in arithmetic. Many of them would do much more. They would then be better citizens and more profitable to themselves, to society, and to the industrial world.

A large number of the illiterates are older men and women whose childhood came at a time when opportunities for education were few and meager. Many of them were the orphaned children of soldiers who fell on the battle field or died in camp. Some were themselves on the firing line. Opportunities denied them in childhood should be accorded them all the more willingly now. In their old age they should at least be enabled to read their Bibles and the daily newspapers and to write to their distant relatives and loved ones.

None of the three-quarters of a million children over 10 years of age but still unable to read and write should be permitted to graduate into illiterate citizenship. Since they will not under ordinary conditions avail themselves of the opportunities offered by the public schools, other means of learning to read and write and something more should be provided.

Besides the five and one-half million illiterates, there are in the United States fifteen or twenty millions of men and women who can barely read and write and who are for most practical purposes illiterate. Millions of these would gladly respond to good and attractive opportunities to extend their meager education.

The bill requires the United States Commissioner of Education to devise methods for teaching illiterates and men and women of meager education, and upon written invitation to cooperate with State, county, district, and municipal officers in putting these methods into operation for the elimination of adult illiteracy. Should the bill become a law now, it is believed that within a period of 10 years illiteracy will be reduced to a small fraction of 1 per cent of the total population. If education is what it is claimed to be, it should be universal in a country like ours. The bill aims at a phase of illiteracy that can not be reached in the ordinary way, and the committee recommends its immediate passage.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 364.

USE OF NAMES OF PUBLIC OFFICIALS BY PATENT ATTORNEYS.

MARCH 15, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. MORRISON, from the Committee on Patents, submitted the following

REPORT.

[To accompany S. 683.]

The Committee on Patents, to whom was referred the bill S. 683, respectfully report that they have had the same under consideration and recommend that the bill do pass.

The bill contains but two sections and is in the following words:

AN ACT Prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government by any person, firm, or corporation practicing before the Patent Office in advertising his business.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person, firm, or corporation practicing before the Patent Office to use the name of any Member of either House of Congress or of any officer of the Government in advertising the said business.

SEC. 2. That this act shall take effect three months after its date.

The purpose of the proposed legislation is to prevent the use of the names of Members of Congress—Representatives or Senators—and of other men in public office from being used by patent attorneys in advertising their business and soliciting employments.

Complaints of this practice have come from two quarters. Representatives and Senators, being by their very official environment much disposed to speak of others in complimentary terms, have written letters to patent attorneys with no idea that they were to be used by the attorneys in advertising their business or soliciting employments. They have learned thereafter, much to their great annoyance, that their letters have been used for advertising purposes and that they have been placed in the attitude of indorsing the character and capability of the men to whom the letters were written. This custom has increased, much to the annoyance of the Members of Congress, and has doubtlessly given wrong impressions to certain of their constituents.

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The other source of complaint has been from persons who had been induced to employ patent attorneys because of their supposed indorsement by Members of Congress and other men prominent in public life. Unfortunately for the patent lawyers of the country and the profession of the practice of patent law, much systematic and deceptive advertising is done by men engaged in the practice of patent law. By some of them the profession has been reduced to a mere trade. Employments have been procured by indefensible means and attorneys have lost the fine sense of the right confidential relationship that should exist between attorney and client. The advertising attorneys seek out and accept almost unlimited employments throughout the country to file vast numbers of claims for substantially the same alleged improvements, making it impossible for the attorneys truly to represent the interests of any of their clients. One extreme case lacks but little of being typical of many cases. A single firm of patent lawyers had on file at one time more than 90 separate and several applications for letters patent on the same simple mechanical contrivance, among which claims it was inevitable that there should be numerous conflicts of interests and overlapping of specifications. It so happens that such practices are indulged in most largely by those patent attorneys who issue the most deceptive and unprofessional advertising matter.

The enactment of this bill into law will not be a complete remedy, but it will, at least, eliminate the one element of deception now practiced by leading prospective clients to believe that their prospective attorneys have the unusual advantage of the personal indorsement and friendship of Members of Congress and other men in high official position.

The proposed statute does not contain a penalty. Existing law as to the rules and regulations that may be adopted and promulgated for the government of the attorneys practicing in the Patent Office are sufficient to enable the Commissioner of Patents, if this bill shall become a law, effectively to put a stop to the practice above referred to and of which complaint is being made. If the Congress shall make the practice unlawful, the rules of practice in the Patent Office will be sufficient to remedy the existing evil.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 365.

FURNISHING TO LOGAN MONUMENT AND VOLUNTEER SOLDIERS' MEMORIAL ASSOCIATION NAMES AND ADDRESSES OF ALL SOLDIERS AND SAILORS NOW LIVING.

MARCH 16, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. SHERWOOD, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. J. Res. 103.]

The Committee on Invalid Pensions, to whom was referred Senate joint resolution 103, to furnish to the Logan Monument and Volunteer Soldiers' Memorial Association a list of the names and addresses of all soldiers and sailors now living, report the same to the House with a recommendation that it do pass.

The resolution has the approval of the Commissioner of Pensions, as will appear by the following communication, viz:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 10, 1916.

Senators JAMES HAMILTON LEWIS and LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

GENTLEMEN: I have been shown a resolution adopted by the last National Encampment of the Grand Army of the Republic, indorsing the work proposed by the Logan Monument and Volunteer Soldiers' Memorial Association, requesting the National Government to furnish to said association, upon its request, the names and addresses of all soldiers and sailors now living, for the use of the association.

Should the Congress, by resolution or otherwise, request a compliance with this action of the Grand Army, we shall be very glad to furnish the information sought. It will not be necessary for us to have any additional force or added appropriation.

Very truly, yours,

G. M. SALTZGABER, *Commissioner.*

Following is a copy of a resolution adopted by the Grand Army of the Republic at its national encampment in 1915, indorsing the resolution, viz:

RESOLUTION.

The Logan Monument and Volunteer Soldiers' Memorial Association has been formed with the following object in view:

To erect a monument to Maj. Gen. John A. Logan, the Black Eagle, commensurate with the greatness of the ideal volunteer soldier of all time, a mark of gratitude from the American people for the priceless services he rendered his country, for the

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immeasurable sacrifices he made for it, for his matchless valor in its defense, for his eternal loyalty to its unity, and for his all-embracing love of its sacred liberties.

And beside this, and as a part of it, to build a great memorial dedicated to all the volunteer soldiers of our country.

Into this great memorial building is to be gathered the personal history of every volunteer soldier; those living shall themselves set forth the names and origin of their ancestors, their own recollections of their own services to their country in full, the stories of their lives and their wives, of their own family and their own times down to the present day; and the lives of those who have marched on shall as fully as possible be prepared by their comrades and their families, all to be filed away in form as permanent as human ingenuity can devise, for the use of generations yet unborn.

To the end that no man who has offered his life a sacrifice to his country shall ever be forgotten.

That every woman who in the presence of ever-impending death watched and waited their return and labored endlessly till victory came shall be remembered eternally.

That the descendants of all these and all their coinheritors of liberty may have this exhaustless fountain at which perpetually to renew the spirit of patriotism which founded and preserved this land of liberty.

That the historian of the future may have an inexhaustible mine of golden fact fresh from the very hands that did the deeds of valor that has so uplifted the earth.

That the fame and family and name of every soldier of however humble rank shall be made permanent equally with the most exalted: Therefore be it

Resolved by the Grand Army of the Republic in national encampment assembled, That we heartily indorse the great work proposed by the Logan Monument and Volunteer Soldiers' Memorial Association and pledge to them our hearty cooperation and support.

And be it further resolved, That we request the National Government to furnish to said association, upon its request, the names and addresses of all soldiers now living, with the company and regiment, for the use of the association.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 366.

RENÉ W. PINTÓ Y WENTWORTH.

MARCH 16, 1916.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GREENE of Vermont, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. J. Res. 80.]

The Committee on Military Affairs, to whom was referred the bill (S. J. Res. 80), having considered the same, report thereon with a recommendation that it do pass.

This is a joint resolution authorizing the Secretary of War to permit Mr. René W. Pintó y Wentworth, a citizen of Cuba, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Cuba.

The Government of Cuba, through its minister at Washington, has requested that this authority be granted and will regard it as an act of courtesy. The President has transmitted the request to Congress in the usual form, as the passage of the resolution would be in accordance with established precedents.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 369.

INVESTIGATION OF AVIATION SERVICE, UNITED STATES ARMY.

MARCH 16, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CALDWELL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. J. Res. 65.]

The Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 65) creating a joint commission of Congress, to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army, having considered the same, report thereon with a recommendation that it do pass as amended by the Senate.

In favorably reporting this joint resolution the committee has had under consideration the evidence on file and the statements submitted by Senator Robinson, the author of the joint resolution, to the Senate Committee on Military Affairs, as embodied in Senate Report No. 153. In the judgment of this committee, under all the circumstances, a congressional investigation is imperative, and in support of this contention this report is submitted.

[Senate Report No. 153, Sixty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 65) creating a joint commission of Congress to be known as the joint commission of Congress to investigate the Aviation Service of the United States Army, report the same back to the Senate with amendments and as thus amended recommend that it do pass.

Senator Robinson, the author of the joint resolution, appeared before your committee on Friday, February 18, 1916, and made a statement as to the inefficiency of the Aviation Service and charged that its true condition has been deliberately withheld from those high in authority in the War Department, and that misrepresentations as to the progress being made by the aviators are deliberately and repeatedly made to the department.

He also filed with the committee on the 21st instant another written statement relating to the necessity for an investigation, and both statements are made a part of this report, and are as follows:

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Friday, February 18, 1916, Senator Robinson said:

"This resolution was introduced only after careful consideration of evidence conclusively establishing the fact to my conviction that the Aviation Section of the Signal Corps as now organized and conducted is hopelessly inefficient, and that this fact is known by the officers charged with its control and deliberately concealed by them from the War Department and from Congress. In support of this statement I produce copies of letters passing between Capt. Cowan, who has charge of the Aviation Station at San Diego, Cal., and Col. Reber, the actual head of the service. Under date of April 10, 1914, Capt. Cowan wrote Col. Reber, in part, as follows:

"'Frankly, I don't want to put down in black and write, over my signature, my opinion about the way the Signal Service has handled this work. * * * I wrote the Signal Office in March, 1913, that if our Aviation Service ever came under investigation by anyone outside of our own corps it would be impossible to explain the rotten way in which the work has been handled. * * * When I think of all the mistakes that have been made while I have had charge of this end of the work it just makes me sick. * * * If I had known as much about this work six months ago as I know now, I am convinced that I could have saved this whole unfortunate situation, etc. * * * I don't know very much about how this work should be done, etc.'

"July 21, 1914, Col. Reber wrote to Capt. Cowan:

"'We have until the 18th of September to qualify these men and get them in without having them detailed as students. All you have to do is to sit tight and draw your pay.'

"On the same day he also said:

"'I am going to push the question of getting students now as hard as I can. I will ask the Quartermaster's Corps to give you two Jeffrey four-wheel trucks to play with.'

"A deliberate purpose to deceive Congress by securing appropriations with the intention to divert them, is disclosed in the letter from Col. Reber to Capt. Cowan of December 15, 1914, in which, after saying that the Judge Advocate General had held that automobiles and motor trucks could not be purchased under existing appropriations, he said:

"'However, this year's appropriation bill will contain a simple little clause, namely, for the purchase, maintenance, operation, and repair of airships and other aerial machines and accessories necessary in the Aviation Section. The word "accessories" will be like charity, and cover a multitude of sins; or, in other words, if we get these words in we can use our money as we need it, and be dependent upon nobody.'

"As further disclosing the contemptible deceit which Col. Reber prompted Capt. Cowan to practice, I refer to his letter of March 23, 1915, just prior to the occasion when a large number of Congressmen, including myself, visited the Aviation Section near San Diego. He said:

"'It is a good thing for the Aviation Section for you to put on your company manners, and show off when Members of Congress turn up. You can give them rides, get them interested as much as you can, but positively decline to give their wives, sweethearts, or others joy rides in the air, stating that you did this once and the War Department howled for your head, which, although not a fact, will sound terrifying to the applicant.'

"It may be interesting, as well as amusing, for you to be informed that the captain pursued the above instructions to the letter. In a letter of September 10, 1914, from Capt. Cowan to Capt. Clark, after informing Capt. Clark that he should apply to The Adjutant General of the Army for detail in the Aviation Section of the Signal Corps, as a junior military aviator, Capt. Cowan said:

"'It will be understood that you will not be required to fly in time of peace, although nothing need be said about this in the official communication.'

"As conclusive evidence that Col. Reber prompted Capt. Cowan to make false reports concerning the true condition of the Aviation Service, I quote from his letter of February 25, 1915, as follows:

"'He (the chief—Gen. Scriven) will probably ask you for the personnel of the First Aero Squadron, and I suggest that you have prepared a list showing the officers, who shall, I say theoretically, belong to the same. If you find it necessary to fill up by putting in the names of some of the aviation students, put them in and give him a list.'

"In his letter of May 19, 1915, Col. Reber cunningly suggests to Capt. Cowan to make a false report, informing him that the answer which he has theretofore made to certain inquiries is not the correct one at all, and that he would find his answer to the charges given in his (Col. Reber's) indorsement on the letter of Gen. Murray, copy of which was inclosed. He also said:

"'Sit tight and say nothing to nobody until the inspector turns up, and then answer his questions along the line indicated in my indorsement.'

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"I have also photographic copies of a large number of letters passing between Col. Reber and Capt. Cowan, showing favoritism to certain officers in the Aviation Service, and a purpose to demote others. I quote from his letters as follows: May 10, 1915, Col. Reber to Capt. Cowan:

"'I want your recommendation as to what shall be done with Dodd and Taliaferro after the inspector gets through with the case, as I am free to confess that people who have acted as they have have lost their usefulness under me.'

"December 15, 1914, Col. Reber wrote Capt. Cowan:

"'I quite agree with your position with respect to Goodier. As I wrote you, I had a hint sent out to the Letterman Hospital to have him thoroughly overhauled, and expect a recommendation from the doctors out there looking to his relief.'

"May 18, 1915, Col. Reber wrote Capt. Cowan:

"'Push the instruction of your student officers as much as possible, as you are very liable to lose three junior military aviators in the near future.'

"May 14, 1915, Col. Reber wrote Capt. Cowan:

"'Set your mind at rest, keep perfectly quiet, say nothing to nobody about it, and let me handle the matter to my own satisfaction. I think I am going to get one or two scalps before I get through.'

"That the equipment of the Aviation Service at San Diego is defective can be established beyond any doubt. Col. Reber has instructed Capt. Cowan to keep this secret. This appears from his letter of June 21, 1915, in which Col. Reber said to Capt. Cowan:

"'I note in the weekly letter that a reference is made to the condition of the machines and motors. This information should not be made public.'

"I believe it can be easily demonstrated that there is no sincere effort upon the part of Col. Reber to improve the service, and that aviation in the United States Army is contemptibly inefficient, and its true condition deliberately withheld from those high in authority in the War Department, and that misrepresentations as to the progress being made by the aviators are deliberately and repeatedly made to the department. All of these circumstances, in my judgment, make imperative a congressional investigation. If the committee decides to make the investigation, I will take the liberty of furnishing the evidence to further establish the statements now made."

COMMITTEE ON MILITARY AFFAIRS, UNITED STATES SENATE,
February 21, 1916.

In connection with the resolution for an investigation of the Aviation Section of the Signal Corps, I submit a brief statement supplemental to the matter presented at the committee meeting last Friday, as also the material portion of my former statement.

The inefficiency and unsatisfactory results of the present management of the Aviation Section is disclosed by the fact that during eight years, or about that, in which the Signal Corps has had control of aviation only about 24 qualified fliers with the military rating have been produced. While the statement was made before the House Committee on Military Affairs that there are now 46 officers who are qualified as fliers and who are attached to the Aviation Section, I believe that an investigation will disclose that there are only about 24.

Very few of the so-called qualified fliers have ever done military work, or even seen from an aeroplane a field gun fired. Only one or two have maneuvered an aeroplane with bombs attached to it for use. The service has no bombs, no bomb-sighting device, no method of mounting a gun on an aeroplane, nor has a gun ever been fired from an aeroplane. We have no armored aeroplanes, and the machines on hand are not efficient enough for military flying.

During the eight years above referred to, which have netted only about 24 qualified fliers, there have occurred 17 deaths in connection with military aviation, 15 officers having been killed. The other two cases embrace the death of 1 soldier and 1 civilian. Thus approximately 65 per cent as many officers have been killed as there are now officer pilots on aviation duty.

Of the above-mentioned 15 officers who have been killed, 8 of them have died in flights at the North Island Station near San Diego, as follows:

Lieut. Rex Chandler, April 8, 1913; Lieut. J. D. Park, May 9, 1913; Lieut. Moss Love, September 4, 1913; Lieut. H. M. Kelly and Lieut. E. L. Ellington, November 24, 1913; Lieut. H. B. Post, February 9, 1914; Lieut. J. Gerstner, December 21, 1914; and Lieut. Walter R. Taliaferro, October 11, 1915.

Kelly and Ellington were drowned. Their aeroplane became unmanageable at a height of 900 feet and fell into San Diego Bay. Gerstner was drowned when he attempted to swim ashore when the aeroplane in which he was riding capsized during

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a violent windstorm. It is claimed that Taliaferro became unconscious while in mid-air.

Six of these aviators were killed within 10 months, and it is believed that an investigation will disclose that their deaths were due to the fact that they were required to attempt flights in antiquated biplanes, known to be defective and dangerous. Following the death of Lieut. Post four of these machines were burned. It is believed that an investigation will disclose that other injuries were due to the use of unsafe machines, and that where warnings had been given that the machines were unsafe, officers who were required to fly in them were in some instances injured and in others killed.

It is a well-known fact that a short time before Lincoln Beachy was killed he visited this station and pronounced it outrageously defective in equipment and management and that he communicated his opinion in a bitter protest which came to the knowledge of the War Department.

The first company, second aero squadron, now in the Philippines, prior to February 1, 1916, had no aeroplanes. I am informed that four have been ordered, and that two have been or will soon be shipped. This first company, second aero squadron, in the Philippines, consists of six officer pilots. There are no other field organizations. There are two qualified officer pilots instructing students at the aviation school, and two are studying aeronautics in Boston.

The dangers connected with aviation at this stage of its development when surrounded by every safeguard which mechanical skill and scientific knowledge and due precaution can secure, are so great that only the ambitious and daring are prompted to undertake to master it. I will not use words to characterize a system such as that prevailing in our service, where incompetence and indifference have added to the dangers inherent in aviation through an unskillful, unscientific, negligent, and corrupt control. This committee, in the work of investigating and reforming the Aviation Service, may require the assistance of skilled aviators and expert mechanics. It can not deal intelligently with the subject without a thorough knowledge of the actual conditions surrounding the service, and to obtain this it would seem that it should proceed with a thorough investigation with a view of developing and improving aviation in the United States Army in conformity to the practice which has been pursued by other nations, and especially France. Whatever may be the size of the organization for military aviation in the United States Army, no one can gainsay the fact that whatever organization we do maintain should be speedily brought to the highest possible state of efficiency.

I have on hand a mass of detail, of more or less importance, touching the inefficiency of the Aviation Section as now organized and equipped; but I think that this statement, together with the one submitted last Friday, the material portions of which accompany this, is ample to disclose the necessity for a prompt and thorough investigation by a joint committee of Congress.

Respectfully submitted. JOE T. ROBINSON.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 370.

TERMS OF DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE.

MARCH 17, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CARAWAY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 377.]

The Committee on the Judiciary, to whom was referred S. 377, "An act providing for the establishment of a term of the district court for the middle district of Tennessee at Winchester, Tenn.," beg leave to report it back without amendment and recommend that it do pass.

Courts are held at Nashville and Chattanooga, a distance of about 150 miles apart, by the same district judge. Winchester is located about halfway between the cities named. It has a new Federal building in which there is room provided for holding court. To hold two terms of court at Winchester will be a great saving to the people of the county of Franklin, in which Winchester is located, and the adjoining counties, and also save much expense to witnesses, litigants, and the Government. The holding of the terms of court as provided in the bill is recommended by the members of the bar and the people generally in that part of middle Tennessee. The holding of this court at Winchester as provided in this bill will not, it is believed, attach additional expense to the Government and will be a great saving of expense to the people.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 371.

MANUSCRIPT COPIES OF PATENT OFFICE RECORDS.

MARCH 17, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. OGLESBY, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 11798.]

The Committee on Patents, to whom was referred House bill 11798, respectfully report that they have had the same under consideration and recommend that the bill do pass.

The purpose of this bill is to enable the Commissioner of Patents to promptly comply with requests for manuscript copies of records on file in his office.

The principal demand for copies of such records is for use in patent litigation, and delay in securing them when wanted means inconvenience and often serious loss to the interested parties.

The charge made by the Commissioner of Patents for furnishing such copies is 10 cents a folio. One hundred folios is an average day's work for a competent typist. The enactment of this bill will greatly convenience those persons having use for copies of Patent Office records, and at the same time result in substantial profit to the Government.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 372.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

MARCH 17, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FLOOD, from the Committee on Foreign Affairs, submitted the following

REPORT.

[To accompany H. R. 13383.]

The Committee on Foreign Affairs, to which was referred the estimates for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, having carefully considered the same, report the accompanying bill with a recommendation that it do pass.

A summary of the estimates for the year 1917 compared with the actual appropriations for the year 1916, follows:

Total estimates submitted for 1917	$5,426,283.70
Total appropriations by law of 1916	4,061,280.01
Increase of estimates over law 1916	1,365,003.69

The following items of extended appropriations are carried by the bill:

Nineteenth Conference Interparliamentary Union	$40,000.00
International Commission on Public and Private International Law	15,000.00
Fifth International Conference of American States	75,000.00
Total of reappropriations	130,000.00

The changes made in the accompanying bill, as compared with the Diplomatic and Consular bill for 1916, are shown in detail by the tables following:

NEW ITEMS.

Payment to Government of Panama	$250,000.00
International Geodetic Association, etc	1,500.00
Fifteenth International Congress *v.* Alcoholism	10,000.00
Purchase-repair consular premises, Shanghai	150,000.00
Purchase-repair United States court premises, Shanghai	205,000.00
Legation premises, Panama City	100,000.00
Legation premises, Habana	100,000.00
Post allowances to consular officers	100,000.00
	916,500.00

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INCREASED ITEMS.

Salaries of secretaries, Diplomatic Service	$21,000.00
Salaries diplomatic and consular officers, receiving instructions	65,000.00
Transportation diplomatic and consular officers	75.000.00
Emergencies in Diplomatic and Consular Service	125,000.00
Boundary line—United States and Mexico	3,000.00
Boundary line—United States and Canada	71,000.00
Pan American Union	10.000.00
International Bureau Court of Arbitration	750.00
Arbitration outstanding pecuniary claims	400.00
Waterways treaty, International Joint Commission	20,000.00
Salaries of the Consular Service	56.666.65
Relief and protection of American seamen	30.000.00
Contingent expenses, United States consulates	132,000.00
	609,816.65

DECREASED ITEMS.

Annual expense Cape Spartel Light	75.00
Marshals for consular courts	1,000.00
Expenses of prisons for American convicts	600.00
	1,675.00

ELIMINATED ITEMS.

International Railway Congress	400.00
Purchase of building, Yokohama	2,275.00
Second Pan American Congress	15,000.00
Pan American Medical Congress	10,000.00
Exposition at city of Panama	25,000.00
Conference of American financiers	50,000.00
	102,675.00

Total appropriations for 1916		4,061,280.01
Increased items, 1917	$609,816.65	
New Items, 1917	916,500.00	
		1,526,316.65
		5,587,596.66
Decreased items, 1917	1,675.00	
Eliminated items, 1917	102,675.00	
		104,350.00
Total carried for 1917		5,483,246.66
Carried in 1916 law		4,061,280.01
Net increase of 1917 over 1916		1,421,966.65

The appendix to the letter of estimates, prepared by the Department of State, gives so fully and clearly the reasons for asking for increases in certain appropriations, as well as for the new appropriations carried by the bill, the committee deems it useless to repeat them herein. This document is attached to this report for the information of members.

The items of increased appropriations and of new appropriations were carefully considered by the committee, as shown by the hearings, which have been printed.

The committee also investigated the expenditures made and the work done by the several commissions and boards operating under the supervision of the Department of State, as will also be shown by the printed hearings.

The committee has made every effort to keep the total appropriations carried by the bill within the bounds of reasonable economy, and

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while some of the increases for the Diplomatic and Consular Service are apparently considerable, the committee deems them wise and necessary. The continuance of the European war has devolved upon our entire Diplomatic Service a vast amount of labor as well as unavoidable expense, and if the efficiency of the service is to be maintained the additional appropriations asked for are imperative.

The committee deems it proper to call attention to and emphasize the fact that under normal conditions the fees collected and actually paid into the Treasury by the Consular Service are almost equal in amount to the entire cost of that service—approximately $2,000,000 per year. In fact, this service has been heretofore almost self-supporting. This should be taken into account when appropriations for this branch of the service are under consideration. In view of the extraordinary and exigent conditions now existing, with every expectation that they will continue perhaps indefinitely, the committee feels that it can not too strongly urge upon the Congress liberal, but necessary, appropriations for the Diplomatic and Consular Service as proposed in the accompanying bill.

APPENDIX.

Foreign Intercourse.

CHARGÉ D'AFFAIRES AD INTERIM AND VICE CONSUL.

An increase of $25,000 is asked for under this heading, for the following reason: Previous to the Diplomatic and Consular appropriation act for the fiscal year ending June 30, 1916, Congress provided an annual appropriation of $50,000 for the payment of the compensation authorized by section 1685 of the Revised Statutes to secretaries of embassy or legation while acting as chargé d'affaires ad interim. The act of Congress approved February 5, 1915, entitled "An act for the improvement of the foreign service," amended section 1685 of the Revised Statutes by adding thereto a provision that any vice consul lawfully authorized to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which the vice consul shall have been appointed or assigned shall be entitled to receive, in addition to his regular salary or compensation as a subordinate consular officer or employee, compensation equal to the difference between such salary or compensation and 50 per cent of the salary provided by law for the principal consular officer at such post.

To meet this additional compensation to vice consuls when in charge of a consulate general or consulate, the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30. 1916, added to the item "chargé d'affaires ad interim" the words "and vice consuls." but the act made no increase in the appropriation which had theretofore been made for chargé d'affaires ad interim only. It is thought that the additional charge against the appropriation by reason of the payment of vice consuls therefrom will require an increase of at least $25,000.

SALARIES OF SECRETARIES IN THE DIPLOMATIC SERVICE.

Under this heading an increase of $1,500 is requested. The object of the department in making the request is to do away with the grade of secretary of class 5, for which there seems to be no real use, and to transfer the secretaries now of that class (5 in number) to class 4. By doing this there would be an increase of $300 in the salary of each, making $1,500 in all.

TRANSPORTATION OF DIPLOMATIC AND CONSULAR OFFICERS IN GOING TO AND RETURNING FROM THEIR POSTS.

For a number of years Congress has appropriated an allowance of 5 cents a mile to reimburse diplomatic and consular officers for the expenses of traveling to and from their posts or upon official business under the orders of the Secretary of State.

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That allowance has been recognized as entirely inadequate for the purpose, but until now the department has not been in a position to recommend a change. The matter has now become so urgent that a larger allowance is imperative. A careful computation based upon the number of actual transfers and promotions of officers shows that the existing allowance, 5 cents a mile, fails to reimburse the actual expenses of traveling of an *unmarried* consular officer by from 2 mills to 10 cents a mile; and where an officer is *married* the allowance has failed to reimburse actual expenses by from 6 mills to $1.02 a mile, according to the number of members of the officer's family and the quantity of household effects transferred to the new post. The average loss of each officer is estimated to have been 18 cents a mile, or $215.47 for each promotion or transfer.

To illustrate the operation of the existing allowance the following cases may be cited:

The cost of transportation and subsistence of an officer transferred from Washington to Hongkong was (for himself and wife) $820.50. The Government reimbursed $587.80, leaving the officer to suffer a personal loss of $232.70.

The cost of transportation and subsistence of an officer (and his wife) transferred from London to Naples was $200, of which the Government reimbursed but $67.65.

From Naples to Gothenburg the cost was $283, of which the Government reimbursed only $95.85.

In none of these cases is the cost of transferring household effects included. If added they would increase the cost of transportation very considerably.

The foregoing shows that every consul must save enough from his salary to defray a part of the cost of transportation for himself and his family when he is transferred or promoted. How difficult this may be in many cases is obvious when it is remembered that many consuls receive salaries of only $2,000 to $3,000, and moreover compete in their official work with consuls of other Governments whose entire expense of traveling and moving of their families and effects is paid by their Government.

It would be sufficiently unjust to consular officers if the 5 cents a mile were the rate allowed for traveling to all officers of the United States, but that is not the case. Naval officers traveling in the United States receive 8 cents a mile, and when traveling abroad are allowed actual expenses. An allowance for baggage varying according to rank is also included when naval officers are transferred between shore stations outside the continental limits of the United States. This is also generally true of Army officers, while the traveling allowance for Senators and Representatives in Congress is 20 cents a mile.

Besides the inadequacy of the present rate of mileage, the allowance of so much a mile operates unevenly and does not meet the existing requirements. If transportation charges were alike in all countries and the mode of travel was the same, a flat rate of so many cents a mile would be adequate. But conditions of travel differ. One consul may be able to travel by rail, another must go by steamer, another may have to make part of the journey by wagon or even on horseback. The cost for the same distance is therefore different in each case. If, as has occurred several times since the outbreak of the European war, transportation conditions necessitate delay at junction points, the incidental expenses of the officer must be borne by himself. Therefore, the only fair way to provide for transportation of consuls is by paying their actual and reasonable expenses.

It is not, however, sufficient to pay only the expenses of the consul. Nearly every first-class Government, except that of the United States, pays also all or part of the expenses of transportation of the families of consuls, as well as for the transportation of a limited quantity of household effects. Every consul who leaves one post to go to another must either sell his furniture and other household effects or take them with him. The sale involves great personal loss, for the officer is obliged to purchase new furniture upon his arrival at his new post. On the other hand, if he retains his furniture and ships it to his new post he is obliged to pay heavy freight charges. The Government at present makes no allowance to reimburse consular officers for losses incurred in the sale of their effects or for cost of transferring them. It should do so without delay. Accordingly, there is submitted and strongly recommended a change in the existing law which will authorize payment of actual expenses of transportation and subsistence of diplomatic and consular officers and their families, including the transportation of household effects, together with an increase in the existing appropriation from $50,000 to $125,000. If this recommendation should be adopted by the Congress, it would be the purpose of the President to prescribe regulations covering the expenditure of the money in such manner as to limit the number of members of officers' families and the quantity of household effects to be transported, as well as to insure the expenditure of the money in an economical manner. In the interest of the efficiency and usefulness of diplomatic and consular officers it is earnestly hoped that the foregoing recommendation will be adopted.

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EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

An increase of this appropriation from $75,000 to $200,000 is requested. The Secretary of State will take pleasure in appearing before the Committee on Foreign Affairs at the proper time to explain the needs for this increase.

INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES.

This is an annual obligation imposed on the United States by the international convention of May 20, 1875, approved by the Senate on May 15, 1878, and proclaimed by the President on September 27, 1878.

The contribution which each signatory government is required to make to the maintenance of the international bureau established by the convention mentioned is based on population, and the contribution of the United States ($2,895) is constant and is the same amount as has been appropriated in previous years.

INTERNATIONAL BUREAU FOR THE PUBLICATION OF CUSTOMS TARIFFS.

This is an obligation imposed on the United States by the international convention concerning the formation of an International Union for the Publication of Customs Tariffs, signed at Brussels, July 5, 1890, approved by the Senate December 13, 1890, and proclaimed by the President December 17, 1890.

The expenses of this bureau fluctuate and the share of the United States in the annual expenses has varied from $1,300 to $1,500. The share of the United States for the year ending March 31, 1915, was $1,317.84.

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

Of the total amount of $48,452.04 estimated for this object, $9,952.04 are needed on account of the expenses of the American Section of the International Boundary Commission and $38,500 to continue the work relating to the distribution of water.

For the fiscal year ending June 30, 1916, the sum of $14,000 was appropriated in the Diplomatic and Consular act to enable the International Boundary Commission to continue its work under the treaties of 1884, 1889, and 1905, but of this amount the sum of $8,000 was assigned by the act to the work relating to the distribution of water, under the protocol of May 6, 1896, between the United States and Mexico. The $6,000 remaining of the appropriation "to enable the commission to continue its work under the treaties of 1884, 1889, and 1905," has been found insufficient for the purpose and it is likely that a deficiency will be incurred. Of the amount ($9,952.04) requested to enable the commission to carry on this work for the fiscal year 1917, $7,952.04 are for fixed expenses as follows:

Salary of a consulting engineer	$4,800.00
Salary of the secretary to the commission	1,200.00
Salary of a stenographer	750.00
Traveling expenses	500.00
Rent of two rooms at El Paso	547.04
Telephone at El Paso	72.00
Storage at El Paso	83.00

The balance ($2,000) is contingent and should be provided and used only to meet imperative work that may be required on the American side of the border.

Should conditions become such, by the reestablishment of diplomatic relations with Mexico, as to require the reestablishment of the International Boundary Commission, it will become necessary to submit hereafter an additional estimate of appropriation for a United States commissioner and assistant engineer, and a slight increase for traveling expenses and for rent.

The $38,500 requested for the continuance of the work relating to the distribution of water are $30,500 in excess of the amount appropriated for the same purpose for the fiscal year 1916, and are made up of the following items, which, in the judgment of the commissioner in charge of the water work, are absolutely necessary.

1. Topographic survey of the proposed reservoir and dam, recently located by a reconnaissance, Pecos River, Tex	$10,000.00
2. Topographic survey and map of a reservoir channel of the dam site recently surveyed and located in Devils River	5,000.00
3. To check up, if necessary, the maps, plans, and report, made and submitted, free of charge, at the commissioner's request, for a proposed dam and reservoir in the boundary, partly in Brewster County, Tex., below the mouth of the Conchos (Mexican), the largest flood tributary of the boundary	5,000.00

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4. To locate a gravity canal site in the lower boundary, Texas, side and make report and check up the E. B. Gore plans for such a canal, submitted, at the commissioner's request, free of charge, and of other such plans, and report thereon, if desirable..... $8,500.00

5. To continue the hydrographic part of the "water work," including salaries of officers, etc., in charge, and of this "investigation"..... 10,000.00

This sum to also pay the salaries, etc., of the officers and employees in charge of this work, to wit:

1. Commissioner..... $3,000.00
2. His stenographer..... 750.00
3. Water engineer and disbursing officer for boundary and water funds..... 1,800.00
4. One to three observers and gaugers of water..... 2,700.00

Total..... 38,500.00

BOUNDARY LINE, ALASKA AND CANADA AND THE UNITED STATES AND CANADA.

Under this heading an increase of $75,000 is asked for. An itemized statement of the probable expenditures of the American boundary commissions is furnished by the United States commissioner, as follows:

FOR OFFICERS AND OFFICE FORCE.

Estimates, 1917.		Approved organization as of June, 1915.	
Designation and rate of pay.	Total per annum.	Designation and rate of pay.	Total per annum.
1 commissioner	$5,000.00	1 commissioner	$5,000.00
1 engineer to the commissioner	3,000.00	1 topographer	2,500.00
2 topographers, at $2,100	4,200.00	1 topographer	1,800.00
1 assistant topographer	1,620.00	1 chief clerk and special disbursing officer	1,620.00
4 surveyors, at $2,100	8,400.00	4 surveyors, at $2,100	8,400.00
2 assistant surveyors, at $1,620	3,240.00	1 draftsman	1,800.00
1 draftsman	2,000.00	2 computers, at $1,400	2,800.00
2 computers, at $1,500	3,000.00	1 computer	1,200.00
1 computer	1,400.00	1 topographer	2,100.00
1 chief clerk and special disbursing officer	2,000.00	2 assistant surveyors, at $1,500	3,000.00
2 clerks, at $900	1,800.00	1 topographer (assistant)	1,500.00
Total	35,660.00	Total	31,720.00

FOR HANDS AND COOKS.

Estimates, 1917.			Approved organization of field parties for representative month during field season, 1915.		
Number.	Designation and rate of pay per month.	Total for an estimated field season of 6 months.	Number.	Designation.	Rate of pay per month.
5	Hands, at $90	$2,700.00	3	Hands	$90.00
6	Cooks, at $75	2,700.00	3	Cooks	75.00
7	Hands, at $75	3,150.00	7	Hands	75.00
4	Hands, at $65	1,560.00	2	Hands	70.00
20	Hands, at $60	7,200.00	3	Hands	65.00
36	Hands, at $50	10,800.00	18	Hands	60.00
20	Hands, at $40	4,800.00	32	Hands	50.00
			6	Hands	45.00
			17	Hands	40.00
[1] 98	Total	32,910.00	91		

[1] The increase in the number of hands and cooks is rendered necessary on account of the increased amount of cutting in opening the vista along the international boundary in the Maine Highlands.

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FOR HANDS AND COOKS—Continued.

	Estimates, 1917.	Expenditures, 1915.
Subsistence	$17,250.00	$8,436.98
Equipment, including horses	6,500.00	8,876.51
Travel	1,800.00	1,180.84
Transportation of materials	1,350.00	816.08
Hire of teams, including driver	3,600.00	.....
Storage	275.00	108.19
Horse keep, forage, 6 months' camp and 6 months' wintering	5,200.00	273.65
Hire of launches	300.00	212.00
Instruments, surveying	500.00	.....
Marks and monuments	1,150.00	299.16
Telegraph service	40.00	21.70
Engraving, printing, paper, etc	10,100.00	3,370.51
Rental of offices, Washington, D. C	1,200.00	.....
Total	49,265.00	23,590.57

SUMMARY.

Pay of officers and office force	$35,660.00
Pay of hands and cooks	32,910.00
All other expenses	49,265.00
Total	117,835.00
Estimated unexpended remainder of previous appropriations at end of fiscal year 1916	2,835.00
Total to be appropriated for fiscal year 1917	115,000.00

The commissioner gives the following explanation for the difference between the estimates submitted for the fiscal year 1917 and the expenditures for the fiscal year 1915:

"The work of locating the international boundary along the highlands of Maine, which is most difficult and expensive, is being prosecuted as vigorously as the funds available for this year will permit, and it is proposed to prosecute it more vigorously next year, as it has been found that large field parties are much more economical than small ones when the results of both are compared.

"On assuming the office of boundary commissioner last May, I was much embarrassed for the reason that the present appropriation, entitled 'Boundary line, Alaska and Canada and United States and Canada,' carries no provision for the rental of offices in Washington, D. C., and the Comptroller of the Treasury Department informed me verbally he did not believe that bills for the purchase of office furniture could be legally paid from the appropriation.

"Fortunately, I have been able to retain the use of a room in the House of Representatives Office Building, which has been occupied for some time by employees of the international boundary commissions, and Dr. Jones, Superintendent of the Coast and Geodetic Survey, has been most helpful in every way and has kindly provided room for some of the boundary employees temporarily.

"A short time ago Mr. Elliott Woods, Superintendent of the Capitol, notified me that I would have to vacate the room that I am now occupying in the House of Representatives Office Building, as it was needed, and on my explaining to him the position in which I am placed, he has kindly promised to place at my disposal other limited space in the House of Representatives Office Building for use by the boundary commissions until after the appropriation for the next fiscal year becomes available."

The commissioner adds:

"These estimates contemplate the prosecution of the work by one large party on the international boundary between Rainy Lake and Lake Superior, and the final establishment of monuments in that region, when the precise location of the boundary line is agreed upon by the commissioners, and by two large parties in the Maine highlands for the purpose of reestablishing the boundary line, cutting the vista, measuring, monumenting, and mapping that intricate boundary through a most difficulty country.

"In addition to which, provision is made in the estimates for engraving and printing maps required by the treaty."

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INTERNATIONAL BUREAU AT BRUSSELS FOR REPRESSION OF THE AFRICAN SLAVE TRADE.

This is an obligation imposed by article 82 of the general act concluded at Brussels July 2, 1890, as cited in the item. This general act was approved by the Senate on January 11, 1892, and proclaimed by the President on April 2, 1892.

The annual share of the United States in the expenses of the special bureau fluctuate. For the year 1914 it was $104.60, the lowest annual payment made.

INTERNATIONAL PRISON COMMISSION.

This is not a conventional obligation, the United States having become an adherent member of the International Prison Commission by reason of an appropriation made by Congress for the purpose in 1896. The diplomatic and consular act for the fiscal year 1913 contains the following provision: "The United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission," and provides for the annual payment of the expenses "out of any money which shall be appropriated from time to time by Congress."

The subscription of the United States as an adhering member of the commission is $900 and is constant. Out of the balance of $1,650 remaining of the appropriation of $2,550 for the fiscal year 1915, there were expended for expenses $533.08. The large balance remaining is explained by the facts that owing to the war in Europe no meeting of the International Prison Commission was held during the fiscal year 1915 and that there was no commissioner of the United States from February to July 1, the vacancy occasioned by the death of Dr. Henderson, the United States commissioner, not having been filled.

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

As cited in the item, this is a conventional obligation. So far the sum of $1,250 has been annually appropriated to meet the share of the United States in the expenses of the bureau. By the Diplomatic and Consular act for the fiscal year 1916, this amount was appropriated to meet the share of the expenses of the United States in the bureau for the calendar year 1914 and that amount has been paid for that purpose, but the department has since been informed that the expenditures for that calendar year required an increase of the United States' quota to $1,911.31, which will necessitate asking for a deficiency appropriation of $661.31.

INTERNATIONAL COMMISSION ON ANNUAL TABLES OF CONSTANTS, ETC.

This is not a conventional obligation. As shown by the item, the international commission was established by the Seventh International Congress of Applied Chemistry in London and continued by the eighth congress, which met at New York in 1912. The appropriation of a contribution by the United States toward the publication of the annual tables of constants was made on the initiative of Congress and not on the request of the Department of State. The amount asked in the present estimates for the annual payment of this contribution is the same as that appropriated by the diplomatic and consular act for the fiscal year 1916 and paid to the commission as the contribution of the United States in 1915. The department understands that the contribution is constant and does not fluctuate.

BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION.

This is not a conventional obligation, but one which seems to have been taken on the initiative of Congress. The contribution of the United States toward the maintenance of the union is constant and is fixed at $2,000 a year.

INTERNATIONAL INSTITUTE OF AGRICULTURE.

The payment of the quota of the United States for the support of the International Institute of Agriculture at Rome is a conventional obligation incurred by membership in the convention, signed June 7, 1905, for the creation of the institute. The amount assessed against the United States is fixed by the convention and is $8,000 per annum.

It is also a conventional obligation under the convention mentioned that the United States should be represented by one member on the permanent committee of the institute. The amount of the salary to be paid to him, however, is fixed by Congress and has been $3,600 a year. The third item under this head—viz, for the payment of the

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quota of the United States for the cost of translating into and printing in the English language of publications of the institute—is not an obligation under the convention. In view of the fact, however, that, as is customary in international organizations of this character, the publications and proceedings of the institute were printed in French they were of little or no value to agriculturists in the United States and Great Britain. For this reason the United States and Great Britain have each undertaken to contribute the sum of $5,000 to the institution for the purpose of having all of their publications printed in English as well as in French.

INTERNATIONAL RAILWAY CONGRESS.

On February 13, 1903, Secretary of State Hay requested of the Congress, through the Treasury Department, authority for the adhesion of the Government of the United States to the International Railway Congress and that a sum of $400 be appropriated annually as this Government's quota toward its support. It was pointed out by Secretary Hay that in order to adhere it would be required of the United States to pay annually, on April 15 of each year, the sum of $400 so long as it remains a member, and that the expenses of a session are distributed over five years, so that it would be expected that this Government's membership would continue for that time at least.

The sundry civil act approved April 28, 1904, appropriated the sum of $400, and a like appropriation has been made yearly since. The second period of five years' membership in the International Railway Congress terminated with 1914. Congress having appropriated for this Government's membership in the International Railway Congress for the years 1915 and 1916, this Government would seem to be committed to membership for at least three years more.

This is not a conventional obligation, but is one in which the good faith of the United States is concerned.

INTERNATIONAL SANITARY BUREAU.

This bureau was created by reason of a resolution adopted on January 29, 1902, by the Second International Conference of American States, which met in the City of Mexico. The expenses of the bureau are borne among the various members on the basis of population, and on this basis the quota of the United States is and has been since the creation of the bureau $2,830.79 annually. The Pan American Union has charge of the disbursement of the entire fund, and informs the department that out of the appropriation of $2,830.79 for the fiscal year 1915 there was an unexpended balance turned into the Treasury of $2,087.05, due to the postponement by reason of the war of the meeting of the International Sanitary Conference, which had been fixed for December, 1914, and January, 1915, at Montevideo.

INTERNATIONAL OFFICE OF PUBLIC HEALTH.

This, as cited in the item, is a conventional obligation. The annual quota of the United States toward the support of the International Office of Public Health is fixed by article 11 of the by-laws annexed to the arrangement signed at Rome on December 9, 1907. It is $3,015.62 annually and does not fluctuate.

INTERNATIONAL SEISMOLOGICAL ASSOCIATION.

This association is the result of a meeting of the official representatives of the Governments in 1903, through whom the association was established. The United States joined the association in 1906. By the terms of the agreement, to which the United States is a party, the United States is obligated to remain a member of the association until March 31, 1916, when it may withdraw if six months' previous notice is given. If notice of intention to withdraw is not given, the United States is obligated to remain a member for an additional four years. The annual contribution of the United States toward defraying the expenses of the association is constant and is $800.

INTERNATIONAL RADIOTELEGRAPHIC CONVENTION.

This is a conventional obligation under the radiotelegraph conventions signed at Berlin on November 3, 1906, and at London on July 5, 1912. For the calendar year 1914 the share of the United States' expenses of the radiotelegraphic service bureau at Berne, Switzerland, was $2,000. Payment has not been called for for the calendar year 1915, but the amount asked for in the present estimates, $1,000, is the same as that appropriated by Congress for the calendar year 1916.

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FISHERIES CONVENTION, UNITED STATES AND GREAT BRITAIN.

No expenditures were incurred during the year 1915 on account of the commission under the convention between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and Canada, signed on April 11, 1908, and it is probable that no expenses will be incurred for the fiscal year 1917. In view of the fact, however, that by the terms of the convention that the International Fisheries Commission shall continue in existence so long as the convention shall be in force, and the further fact that the convention has not been denounced by either party, it is thought that the appropriation should stand in case the necessity for the use of any part of it should arise.

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN; INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN.

For salaries and other expenses of the United States section of this joint commisson, the United States section estimates that for the fiscal year ending June 30, 1917, $90,000 will be required, an increase of $35,000 over the appropriation for the fiscal year 1916.

In explanation of this increase, the United States section points out that at the beginning of the fiscal year 1916 they had an unexpended balance of $32,484.95 from the appropriation for the previous fiscal year which was reappropriated for the fiscal year 1916 and which, added to the specified appropriation of $55,000 for that fiscal year, gave the United States section $87,484.95 for the current fiscal year and that at the present ratio of expenditure the United States section can not safely figure on more than a nominal balance, if any, at the end of the fiscal year 1916. The increase, the section adds, is therefore slight, and is fully justified by the very considerable field expenses about to begin in the matter of the measurement and apportionment, under the treaty of January 11, 1909, with Great Britain, of the waters of the St. Mary and Milk Rivers which will come in to take up the balance that otherwise might be accumulated by the reason of the completion of other work, without reckoning upon any new and unforeseen work that may at any time be referred to the commission by the two Governments, under the terms of the treaty.

PAYMENT TO GOVERNMENT OF PANAMA UNDER TREATY OF NOVEMBER 18, 1903.

Heretofore this item has been included in the deficiency estimates, and the first three annual payments of $250,000 have been appropriated for in the deficiency act. When an officer of the department was before the Committee on Appropriations of the House of Representatives last session, when the committee was considering the deficiency appropriation bill, the opinion was expressed by a number of the members of the committee that the object should be estimated for in the estimates for foreign intercourse, and the payment appropriated for in the diplomatic and consular appropriation act. The appropriation being made for the purpose of meeting an international obligation, this view is doubtless correct, and the item for the fifth annual installment, due on February 26, 1917, is included in the present estimates for foreign intercourse.

The fourth annual payment, which is due on February 26, 1916, should, however, be estimated for in the deficiency estimates to go to Congress at its forthcoming session, as doubtless the diplomatic and consular act will not pass until some time after that date.

INTERNATIONAL GEODETIC ASSOCIATION FOR THE MEASUREMENT OF THE EARTH.

The Imperial German Government having invited the Government of the United States to become a party to the International Geodetic Association, the Congress of the United States, by a joint resolution approved February 5, 1889, requested and authorized the President to accept the invitation.

The invitation was accordingly accepted and up to two years ago Congress has annually appropriated for the payment of the quota of the United States as an adhering member of the association. For the current fiscal year and the previous fiscal year Congress has failed to enable this Government to meet its last two annual obligations.

The President having accepted the invitation of the German Government, and the Government of the United States having become a member of this association under the authority of Congress, it would seem to be that the Executive has no power to withdraw the United States from its membership in the association without like authority from the Congress of the United States. The Department of State is embarrassed by the appeals made to it by the association for the payment of the two

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annual quotas now overdue, and it would seem that Congress should either provide for the payment of these annual obligations or by joint resolution authorize the President to withdraw the United States from the association.

But the continuation of the United States in the association is strongly urged by the Coast and Geodetic Survey and by the unanimous vote of the American Astronomical Society. The Department of State was informed by Dr. Tittmann, the former Superintendent of the Coast and Geodetic Survey, that while the United States contributed but $1,500 annually, the association for the same period apportioned $4,000 to the United States, and that the association maintains two small observatories for special purposes—one at Gaithersburg, Md., and the other at Ukiah, Cal.

The department is further informed that, while the ultimate purpose of the association is the absolute determination of the form of the earth, a practical part of the work done by the association is that in regard to the altitudes of different parts of the United States in relation to sea level, which work is said to be very helpful to the railroads.

Another phase of the work deals with the correction of the position assigned to the heavenly bodies that are found in the Nautical Almanac, and is, therefore, of assistance to astronomers and mariners.

NINETEENTH CONFERENCE, INTERNATIONAL PARLIAMENTARY UNION.

The meeting of the International Parliamentary Union was fixed to be held at Washington during the year 1915, and Congress, in the Diplomatic and Consular appropriation act for the fiscal year 1915, appropriated $40,000 for the purpose of defraying the expenses of the meeting. Owing to the war, however, the meeting was indefinitely postponed, and Congressman James L. Slayden, president of the American group of the Interparliamentary Union, has requested the insertion in the estimates of an item making the appropriation provided by Congress for the year 1915 available for the calendar years 1916 and 1917, it being his expectation that a date for the meeting of the union in the United States will be fixed when the war is over.

PURCHASE AND REPAIRS OF PREMISES FOR THE AMERICAN CONSULAR OFFICES AT SHANGHAI, CHINA.

For many years the offices of the American consulate general at Shanghai, the most important port in China, were, for reasons of necessary economy, situated in an undesirable location in premises which were shabby and totally inadequate. The sharp contrast between their unworthy appearance and that of the dignified and appropriate government-owned buildings occupied by the consular offices of Great Britain, France, Germany, Belgium, Japan, and other nations was a constant source of embarrassment and a menace to our prestige in Shanghai. Several attempts were made to obtain an appropriation for the purchase or erection of suitable buildings, but they proved to be fruitless.

Fortunately, three years ago it became possible to lease premises in an excellent location on the water front, and on August 1, 1911, the offices of the consulate general, post office, jail. Public Health and Marine Hospital Service, and the United States Court for China were moved to Nos. 12–16 Whangpoo Road, consisting of six houses situated on the river front which were leased from the China Realty Co., which lease expires on July 31, 1916. By the rental of these premises the United States was able, for the first time since early days, to place the consulate general in Shanghai upon a plane comparing favorably with the consulates of its commercial rivals. On one side of the premises is the German consulate and on the other side is the Japanese consulate, both owned by their respective Governments, while the Russian Government has recently purchased land near by upon which to erect a consulate building.

The rent paid for these offices is Shanghai taels, 8,400 a year, which is equal at the present valuation of the tael to about $5,544 United States gold, or somewhat over $17 a month for each room—there being 27 rooms suitable for ordinary use. In addition, there is a rental tax of 12 per cent of the rental, or something over $665. The cost of rental for the two buildings occupied by the consulate general plus the 12 per cent rental tax amounts at the present valuation of the tael to about $1,770.

The department has had a careful investigation made and has learned that this particular property can at present be purchased for $340,000 and all reports indicate that that is a reasonable valuation of the property. To this amount an additional expenditure of approximately $15,000 would necessarily be incurred for repairs to the premises and for the purchase of fireproof vaults in which to store valuable documents, including deeds and other records of the land office.

The cost of the two buildings and land occupied by the consulate general plus the proportion of repairs necessary for those buildings will amount to $150,000.

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Unless this Government is able to purchase the property, the offices of the consulate general, upon the expiration of the present lease, must be removed to other quarters, and there are none on the water front and none near the business portion of the settlement to be found. The department has the assurance of the minister of Peking, the consul general at Shanghai, the American Association of China, and others as to the reasonableness of the price at which the property has been held. In 1907 the United States could have purchased suitable premises in the vicinity of the present consulate general for about two-thirds of the price of the property herein described. Since that date property in that neighborhood has risen in value. The reasons are two—the growth of the port and the restricted area of the district in which foreigners are permitted to reside.

The land assessments of 1907 showed an increase in the value of property in the vicinity of the consulate of twenty times that of 1880 and eight and a half times that of 1890. This indicates to some extent the rate of growth.

Although the original boundaries of the international settlement have several times been extended, there has been no enlargement since 1901. The foreign residents have been urging the need of enlargement, but the Chinese Government has refused to accede to the request. This restriction of foreigners to a confined area and the constant growth of population combine to force up the price of real estate.

The overseer of taxes recently estimated land on the Bund near the consulate as worth 100,000 taels a mou; that is, $69,000. At this rate the land alone which it is proposed to purchase would be worth about $392,000. The lot under consideration is not so well located as that the value of which is given above because it is not on the Bund, but it is evident that being on the river front and in a locality scarcely less desirable it must be worth all that is now asked for it.

Objection has been made to the price demanded for the property on the ground that the rent paid by the Government represents less than 2 per cent of the value of the property. It now appears from the consul general's dispatch of June 9, 1914, that the buildings rented by the Government on this property include approximately but slightly more than 50 per cent of the entire floor space of all of the buildings on the property. The additional floor space which would be secured to the Government upon the purchase of the property would be welcome and could be utilized to advantage, as the increase of consular work already demands additional space.

As an illustration of the reasonableness of the price asked for the property under option the consul general reports that the British firm of Hall & Holtz (Ltd.) has purchased about one-third of an acre of ground, together with the buildings thereon, on Nanking Road in Shanghai, for approximately $170,000. This property is located about 400 feet from the river front and in what at present may be considered the best retail district of Shanghai. For consular purposes, however, such a location is not desirable as the water-front location now occupied by the consulate general. The buildings on the Hall & Holtz property are of red brick and may be roughly estimated to be worth $50,000, which deducted from the total cost, leaves the valuation of the land at $120,000, or approximately $60,000 a mou. Estimated on the same valuation the land only which is now under option to the United States would be worth over $336,000; but, as has already been stated, on the basis of the estimate of the overseer of taxes, this land would be worth about $392,000.

It is believed that the acquisition of suitable premises in which to house the consulate general is a question of much political and commercial importance. Inasmuch as the United States exercises extraterritorial jurisdiction over its citizens in China, the location of its public offices in the chief port of that country carries with it the prestige of the United States, not only in Shanghai but throughout the whole of China, and it is believed that American commercial interests in China would be greatly advanced by that prestige which would result from the purchase of these particular premises.

It is believed that the present is an appropriate time for asking for an appropriation for the purchase of the property which is herein described. The minister at Peking, the consul general at Shanghai, the American Association of China, the San Francisco Chamber of Commerce, and many other organizations are manifesting a lively interest in the matter and are urging the department to recommend the purchase of this property. It is almost certain that if the United States fails to secure this particular property it must hereafter be content to occupy premises insignificant and inconvenient in location and entirely out of keeping with the consular offices provided by its chief commercial rivals for the trade of China. It is considered that this is a matter of vital importance to the present and future prestige of the United States in China, to have the consulate general situated in premises of equal dignity with those of other powers, and it is therefore earnestly recommended that Congress will appro-

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priate a total of not less than $150,000 for the purchase for the use of the consulate general of the property described and for the necessary repairs thereto and the installation of fireproof vaults for the safeguarding of Government records.

PURCHASE AND REPAIRS OF PREMISES FOR UNITED STATES COURT, JAIL, POST OFFICE, MARSHAL'S AND OTHER GOVERNMENT OFFICES, SHANGHAI, CHINA.

As set forth under the heading of "Purchase and repairs of premises for the American consular offices at Shanghai, China," the offices of this Government, including the post office, the jail, and the United States Court for China, were until about three years ago located in a very undesirable location. The three houses on Whangpoo Road now occupied by the Government offices mentioned compare favorably with the offices of other Governments in Shanghai, where practically all of the foreign Governments owned the premises occupied by them.

The total rental paid by the Government offices in Shanghai, other than for the rooms occupied by the consulate general, amounts at the present valuation of the tael to about $3,774, as explained in the description of the property under the heading of the "Purchase of consular premises." The entire property can be purchased for $340,000, and the approximate proportion of this amount for the purchase of the buildings occupied by the United States Court, jail, post office, marshal's, and other Government offices plus the necessary cost of repairs, and for the erection of a fireproof vault, will amount in all to $205,000. It is believed, as heretofore explained, that the price asked for this property, compared with the cost of other property in Shanghai, is very reasonable.

In asking for an appropriation for the purchase of this entire property at Shanghai, the appropriation has been asked for under two headings, the appropriation for the purchase of consular premises being requested in pursuance of the provision contained in the act of February 17, 1911, for the purchase of legation and consulate *buildings*; the appropriation for the purchase of the other Government offices at Shanghai is requested outside of the provisions of the act mentioned.

It should be pointed out, however, that it is very important that both appropriations should be made, there being equally urgent need for the consular premises and the other offices mentioned, and it being quite impracticable to separate the several branches of the United States Government service in Shanghai, which for the proper performance of Government business should be on adjoining premises, and it should also be pointed out that the purchase of the entire premises is more practicable than an endeavor to make a purchase of separate premises.

It is accordingly urgently requested that a total appropriation of $205,000 be made for the purchase of premises for the United States Government offices herein mentioned and for necessary repairs thereto.

ACQUISITION OF LEGATION PREMISES AT THE CITY OF PANAMA, PANAMA.

The department is officially informed of the intention of the President of Panama to present to the United States a suitable site for the construction by the Government of the United States of a building for the use of the legation to Panama, both as a residence of the minister and for the offices of the legation. The item in the present estimates seeks an appropriation of $100,000 for the erection of the building and for the furnishing thereof.

EMBASSY PREMISES AT TOKYO, JAPAN.

The Diplomatic and Consular appropriation act for the fiscal year ended June 30, 1915, appropriated $100,000 for the construction of a building on ground now held by the Government of the United States at Tokyo, Japan, for the use of the embassy to Japan, both as a residence of the diplomatic officers and the offices of the embassy. Since that appropriation was made the department has learned that the ground at Tokyo, at present held by the Government of the United States, is not suitably situated nor well adapted for embassy purposes.

The object of the item now submitted, amending the provision in the diplomatic and consular act for the fiscal year 1915, is to leave it discretionary with the Secretary of State whether the building shall be erected on the ground now held by the Government of the United States or a new site selected. No additional appropriation is asked for.

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ACQUISITION OF LEGATION PREMISES AT HABANA, CUBA.

This is a renewal of the recommendation made by the President in a message sent to Congress on December 22, 1914, in which he urged "this appropriation upon the Congress with great earnestness" and stated that "I sincerely hope that we may not miss this unusual opportunity in the city of Habana."

The building which it is in contemplation to purchase is that at present occupied by the legation of the United States both as the residence of the minister and for the legation offices. The building and the grounds surrounding it comprise a whole city block, and the property is located in the best part of Habana, and is well adapted for legation purposes. A plan of the building and grounds was sent to Congress with the President's message. It was stated by the American minister at Habana that it is estimated by persons having a knowledge of Habana real estate values that the property would be a bargain as it stands for $100,000 and that it is not improbable that in a few years the land alone will be worth from $60,000 to $70,000. It is thought by the minister that the property can be purchased for $80,000; and the additional $20,000, which are asked for in the item submitted, are for repairs which it will be necessary to make to the building and for its furnishing.

This item is submitted by virtue of the act of Congress approved February 17, 1911, entitled "An act providing for the purchase or erection within certain limits of cost, of embassy, legation, and consular buildings abroad."

EXPENSES OF CONSULAR INSPECTORS.

It is recommended that the appropriation for expenses of consular inspectors be amended to read:

"For the actual and necessary traveling and subsistence expenses of consular inspectors while traveling and inspecting under instructions from the Secretary of State: *Provided*, That inspectors shall be allowed actual and necessary expenses for subsistence not in excess of $10 per day, $5,000."

The amendment as provided is the addition of the words "*Provided*, That inspector shall be allowed actual and necessary expenses for subsistence not in excess of $10 per day, $5,000," and is not intended to increase the amount appropriated, but to make provision whereby consular inspectors will not be required to pay a portion of their expenses from their own pockets.

In the urgent deficiency appropriation approved April 6, 1914, provision was made that not to exceed $5 per day for subsistence should be allowed officers or employees of the United States when traveling on duty outside of the District of Columbia. While it is possible in smaller towns for consular inspectors to keep subsistence expenses within this $5 limit, it has been found to be absolutely impossible in the majority of the larger towns and cities, and since July 1, 1914, various consular inspectors have been required to pay personally their expenditures actually and necessarily incurred in the line of their duties.

It has been found that both since and before the passage of the provision above quoted, consular inspectors' expenses generally averaged between $5 and $6 a day, in some cases even less. Under the construction, however, placed upon the law each day's expenses is considered separate and apart from all others, so that when the expenses are less than $5 the inspector gains nothing, as he can not use the amount thus saved to offset the necessary excess expenditure of another day, while on the other hand when they exceed $5 he must pay such excess personally.

One consul general at large with the utmost economy averaged $6.23 expense for subsistence for three months. Another estimates that under the ruling he will have to advance $600 to $800 a year out of his own pocket. One inspector declares that his eyesight had become impaired from working in inside rooms with insufficient light, by reason of enforced economy.

The average cost of maintenance has been well under $5 a day, so that an allowance of $5 would, under present conditions, be ample if what is saved when expenses run below that sum could be applied to expenses exceeding that sum.. It would seem desirable both for the dignity of the Government which sends its representatives to foreign countries and for the protection of such representatives themselves, that they be allowed a reasonable discretion and that the $5 limit in their case be removed.

Under date of January 8, 1915, Charles C. Eberhardt, consul general at large, reported that in some cities $4 a day would suffice for subsistence, but that in others $5 a day was too little. During 10 days' stay in Habana he found that the very least figure at which he could secure a room and bath was $3, making it utterly impossible to get meals for the remaining $2 per day, and he added: "I was obliged to pay from 35

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cents to $1.60 each day for meals alone in excess of the amount I was allowed reimbursement for, to say nothing of gratuities, etc." He found that "in the smaller towns of Cuba expenses for room and meals rarely equaled even $4 per day."

At Nassau, New Providence Island, Bahamas, the lowest rate for room and bath at the only first-class hotel is $7 a day; room without bath $5, and 25 cents extra for bath. This is on the American plan. Laundry, pressing clothing, mineral water, gratuities, etc., were all extra. Quoting his quarterly accounts of expense, he shows that only for two given quarters since he has been on inspection duty has the average charge for subsistence exceeded $5 per day. For the four and one-half years that he has been on this service the average expense was $3.65 a day.

Stuart J. Fuller. consul general at large, reports that $5 per day is sufficient to cover actual expenses in the small towns in Canada, but that it is inadequate in the cities of Canada. Of the comptroller's ruling he says;

"I estimate that the enforcement of this ruling will make it necessary for me to meet from my private purse expenses aggregating at least $600 or $800 a year, and which are actual, necessary, and legitimate unavoidable expenses of subsistence."

He adds that rooms and meals only came to $368.45 for the March (1914) quarter, and $451.20 for the June quarter, thus averaging $5 per day, or less.

"This did not, however, include baths in every case, nor did it embrace laundry or pressing, all of which were taken into account as miscellaneous expense. It was only by exercising careful economy and taking small inside rooms at hotels that I was able to keep it down to this level. Working by poor light in inside rooms has now brought my eyes to a state where I shall hereafter be obliged to have a room with outside light to work in, even if I have to pay for it myself. The charge for inside room and bath at the first-class hotels in Montreal and Winnipeg is $3 per day. At Buffalo and Detroit, where one must stay while inspecting the offices at Fort Erie and at Windsor, it is the same. At Ottawa and at Toronto the charge is $3.50 per day. The hotels are on the European plan and the charge covers room and bath only. The winter rate at the only first-class hotel in Quebec is $6 minimum, on the American plan. Summer rates are much higher. It may be stated that a low estimate of the expense of the items comprising subsistence under the comptroller's ruling would reach a total of $8 per day. This is less than the allowances regularly made by their employers to first-class business men. The total would be made up as follows at a European hotel:

Room and bath	$3.50
Breakfast (fruit, 25 cents; coffee, 20 cents; 2 eggs, 25 cents; toast, 15 cents; tip, 10 cents)	.95
Lunch	1.25
Dinner	1.50
Hat boy, tips	.15
Chamberlain, bell boys, etc., tips	.25
Laundry	.30
Pressing	.20
Shining shoes	.10
Bottled water	.50

"At an American-plan hotel the total would be about as follows:

Room, bath, and meals	$4.00–$6.00
Tips, waiters	.30– .30
Tips, hat boy	.15– .15
Tips, chambermaid, bell boys, etc	.25– .25
Laundry	.30– .30
Pressing	.20– .20
Shoes shined	.10– .10
Total	5.30– 7.30

"Since July 31 the amount expended by me for actual and necessary expenses in addition to the $5 per day will aggregate about $125 or $150."

POST ALLOWANCES.

To enable the President in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular officers in order to adjust their official incomes to the ascertained cost of living at the posts to which they may be assigned, $150,000.

Post allowances.—The war in Europe and the effect of it upon conditions in all parts of the world has made imperative the remedying of a long-standing defect in the

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Consular Service, namely, the adjustment of the official compensation of consuls to the cost of living in the countries in which they may be stationed. So long as consuls were appointed to particular posts and were expected to spend the entire time of their service at those posts, the salary could be made to correspond with the importance of the posts and the cost of living there under normal conditions, but with the introduction of promotions from grade to grade, which has more than doubled the efficiency of the service, it is no longer possible, even under normal conditions, to adjust salaries to the importance of the various posts and the cost of living and at the same time to observe a classification of posts to serve the purposes of promotion for efficient service.

It has long been impossible to utilize the services of consular assistants in South America, where they are usually most needed, because their salaries will not provide ordinary living expenses on the scale which their official position and usefulness demands. For the same reason only the higher grades of consular assistants can be sent to South Africa and several other important fields of consular activities. Yet to increase their compensation to the necessary minimum for any of the countries named would result in their receiving more than their positions require, if they should later on be assigned to posts in Europe where normally the cost of living is moderate. Similarly, the consul of the $3,000 class may be adequately compensated at the post in Europe, but if promoted to the $3,500 class and assigned to South America would, owing to the higher cost of living, find himself receiving the equivalent of less than $3,000. In that case the consul would not only not profit by the so-called promotion but would actually not be as well off as he was at his lower-grade post in Europe. The effect of this condition is that the value of promotion in many cases is completely destroyed and made to mean actually a mere change on paper of an officer's status.

The condition described has been greatly aggravated by the war in Europe. The cost of living has increased there and in many other countries and consular officers of the lower classes are finding their salaries inadequate to enable them to maintain themselves in a proper manner. One consular assistant has already resigned and another reports that his salary is insufficient to pay living expenses, and yet these men were stationed in countries where under normal conditions the compensation has been sufficient. The few consuls having private incomes are drawing upon their own funds to supplement their salaries. Inasmuch as living expenses will not decrease, and there is good reason for the belief that they will continue to increase, it is of the utmost importance that provision be made at once to supplement the regular salaries of consular officers wherever that shall be found upon investigation to be necessary.

The adjustment of compensation to the cost of living in the various foreign communities has an importance that can scarcely be exaggerated upon the usefulness of consular officers in the advancement of American export trade. It is obvious that an officer whose official income is sufficient only to permit him to live in the most modest and retiring manner can not be of any real value in the promotion of trade. The officers who are rendering the most important service to American commercial interests are those whose income permits them to live in a dignified manner appropriate to their official positions, whose local standing permits of friendly intercourse and acquaintance with the most substantial of local business men, and the membership in the leading local clubs, chambers of commerce, and commercial organizations.

The economical and practical method of supplementing the regular salaries of consular officers in order to adjust them to the local cost of living is by means of an allowance to be disbursed in the discretion of the President, by which an annual or monthly amount equal to the increased cost of living at a particular post can be allowed to the consul stationed at that post and continued for such time as the high cost of living continues. This allowance, readjusted from time to time, would insure each consul the actual equivalent of his regular salary. Similar allowances added to the regular allowance of consular assistants would make those officers available for service in all parts of the world and would double the efficiency of that corps. It needs to be remembered that at present officers of the latter classes can not be used in the countries where they are most urgently needed, namely, South America, South Africa, and Russia.

In advance of the actual calculation of the requirements of each post and officer, it is not possible to determine the precise amount required for post allowances, but it is estimated that great improvement could be made with the sum of $150,000, and it is strongly urged that Congress appropriate that amount to be available from January 1, 1916, through the fiscal year ending June 30, 1917.

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RELIEF AND PROTECTION OF AMERICAN SEAMEN.

It is recommended that the appropriation for the relief and protection of American seamen in foreign countries etc., be increased from $20,000 to $50,000. Although the department through its officers has endeavored to keep the expenditures from this appropriation as low as possible under the existing laws and regulations providing for the relief and protection of American seamen, the appropriation has been found insufficient to cover the requisite expenditures during the past two fiscal years. A deficiency of $30,050.41 occurred for the year ending June 30, 1914, and it is believed, as far as can be ascertained, that there will be a deficiency of from $10,000 to $12,000 for the year ending June 30, 1915, although it is impracticable at this time to state the exact amount, as all accounts have not been received. In order that the appropriation may be ample to cover the necessary expenses incurred under the existing provisions of law, it is requested that the appropriation be increased by the amount mentioned.

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (*so much as may be necessary*), repairs to consular buildings owned by the United States, postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants *on official duty abroad or in the United States*, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized, $597,000

CONTINGENT EXPENSES.

An increase from $465,000 to $597,000 is requested for contingent expenses as of the utmost urgency. The following table shows the expenditures for the fiscal year 1913–14:

Fuel	$8,160.92
Cleaning and toilet supplies	1,659.81
Water and ice	3,087.02
Flags, etc	890.14
Uniforms of guards	1,483.10
Rent of offices	157,430.29
Taxes and rates	3,760.24
Repairs to furniture and fixtures	3,510.71
Repairs to buildings	3,079.09
Furniture and fixtures	7,265.40
Books, etc	2,012.00
Miscellaneous	2,666.05
Expenses of dispatch agents	4,224.76
Expenses of consular assistants	2,936.12
Expended by department for telegrams, freight, stationery, engraving seals, etc	65,409.89
Messengers, janitors, etc	61,988.97
Gratuities	39.96
Traveling expenses	2,968.06
Cab and boat hire	5,409.10
Lights	6,782.07
Postage	22,802.70
Telegrams	42,862.64
Telephones	10,405.65
Printing and binding	11,746.04
Duty and freight	2,444.16
Loss by exchange	8,525.96
Advertising	346.39
Stationery	3,410.56
Newspapers	4,603.71
Total	451,911.51

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The above expenditures were for the year just prior to the beginning of the war. Those for last year can not yet be given as accounts are not all settled, but they have increased enormously owing largely to the existence of the war. With the utmost economy it was necessary to expend for rent, taxes, and rates alone $161,190.53, or over one-third of the appropriation. While the nature of consular work in connection with invoicing and shipping makes it necessary that the offices be maintained in the business or shipping centers of the various cities, in no case have elaborate offices been rented. In fact many offices are crowded into much less space than they should have for the proper conduct of the work and for the health of the employees. Rents are continually increasing throughout the world, and this is an item which can not be controlled.

It is requested that the wording of the appropriation for contingent expenses be amended as respects expenditures for rent by substituting for the words "allowance for rent not to exceed in any case thirty per centum of the officer's salary" the words "so much as may be necessary." Inasmuch as under the act of February 5, 1915, the classification of posts by specific salaries was abolished and officers are now appointed to grades rather than to particular posts, it will be seen that the salary of the principal officer at a particular post may be changed from time to time by the assignment of officers of different grades, and it is accordingly impracticable to continue the provisions of law fixing the maximum rental at a certain per cent of the salary of the post. It may also be said that it has been found impossible on account of the large increase in the cost of rental of offices in many foreign cities to find suitable offices at a rental of thirty per cent or less of the salary of the principal officer. There have arisen during the past few months several cases where it has been necessary to refuse permission for the removal of offices from inadequate quarters to premises suitable to the needs of the offices because of the existing limit of rental fixed by the appropriation bill. There are also several cases where officers are paying from their own pocket a portion of the rental which should be paid by the Government.

Telegraphic tolls in 1914 amounted to $69,322.84, and for the past year have gone far beyond that and will continue to exceed that amount at least during the period of the war.

Postage in 1914 was $22,802.70, and it is a very safe assumption to say that it will be 50 per cent higher this year. This is due not only to the large increase in mail matter received by consuls, but also to the fact that in some countries an extra war-tax stamp is required on each piece of mail.

Loss by exchange is another item impossible of control. It was $8,525.96 the year before the war, but now, owing to war conditions, it is increasing steadily in many countries.

There has been considerable need in many offices for additional furniture, filing cases, etc., but the department has been unable to supply these needs because of lack of funds and the consuls and inspectors are continually reporting their inability to do more effective work because of lack of suitable equipment. A number of offices have not even been able to have telephones.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 373.

DISPOSITION OF USELESS PAPERS IN THE TREASURY DEPARTMENT.

MARCH 17, 1916.—Ordered to be printed.

Mr. TALBOTT, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following

REPORT.

[To accompany H. Doc. 363.]

The joint select committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Secretary of the Treasury in House Document No. 363, Sixty-fourth Congress, first session, dated December 10, 1915, are not needed in the transaction of the current business of such departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

L. Y. SHERMAN,
HENRY F. HOLLIS,
W. L. JONES,
JAMES E. MARTINE,
Members on the part of the Senate.
J. FRED. C. TALBOTT,
WILLIAM S. BENNET,
Members on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 376.

DISPOSITION OF USELESS PAPERS IN THE NAVY DEPARTMENT.

MARCH 17, 1916.—Ordered to be printed.

Mr. TALBOTT, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following

REPORT.

[To accompany H. Doc. 675.]

The joint select committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files, and papers therein described, and we find and report that the files and papers described in the report of the Secretary of the Navy in House Document No. 675, Sixty-fourth Congress, first session, dated February 8, 1916, are not needed in the transaction of the current business of such departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

W. L. JONES,
JAMES E. MARTINE,
Members on the part of the Senate.
J. FRED. C. TALBOTT,
WILLIAM S. BENNET,
Members on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 375.

DISPOSITION OF USELESS PAPERS IN THE DEPARTMENT OF COMMERCE.

March 17, 1916.—Ordered to be printed.

Mr. TALBOTT, from the Join Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following

REPORT.

[To accompany H. Doc. 613.]

The joint select committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files, and papers therein described, and we find and report that the files and papers described in the report of the Acting Secretary of Commerce in House Document No. 613, Sixty-fourth Congress, first session, dated January 18, 1916, are not needed in the transaction of the current business of such departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

W. L. JONES,
JAMES E. MARTINE,
Members on the part of the Senate.
J. FRED. C. TALBOTT,
WILLIAM S. BENNET,
Members on the part of the House.

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JANUARY 8, 1916.

MY DEAR SENATOR: In reply to your letter of January 3, inclosing a copy of S. 2529, a bill ratifying the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, I beg to advise that this is regarded as a meritorious and desirable measure and its passage is recommended.

It is essential for the welfare and conservation of the fisheries of the Columbia River that the legislation affecting them be consistent and harmonious, and as the jurisdiction over that stream and certain of its tributaries is divided between the States party to this compact, it is highly important that the laws of the two should be in accord. The recent sessions of the Legislatures of Oregon and Washington took cognizance of this, and the fisheries regulations relating to these waters are now uniform in the two States. It is desirable that this condition should be perpetuated by ratification of the compact which, while not preventing modification of the present laws by mutual agreement of the two States, will make impossible their amendment by any ill-considered action of one State.

Very truly, yours,

(Signed) E. F. SWEET,
Acting Secretary.

Hon. CHARLES F. JOHNSON,
Chairman Committee on Fisheries, United States Senate, Washington.

Memorials to Congress have been passed by the Legislatures of the States of Washington and Oregon, respectively, urging upon Congress the enactment of appropriate legislation ratifying and confirming the compact above referred to and giving its consent to the compact and agreement between the States named, as required by section 10 of Article I of the Constitution of the United States.

The compact is embodied in the memorials and is set forth in the bill.

The memorial of the legislature of the State of Washington is as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled and to the Senators and Representatives in Congress from the State of Washington:

We, your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled, most respectfully represent, show, and pray as follows:

Whereas the Legislatures of the States of Oregon and Washington did appoint committees from their respective bodies to confer each with the other and to recommend legislation necessary to be provided for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River, over which the States of Washington amd Oregon have concurrent jurisdiction, and over waters within the boundaries of said States which might be of concurrent interest; and

Whereas said committees did meet in Portland, Oreg., on the 6th day of February, 1915, and did agree on the necessary measures and legislation to be enacted by the Legislatures of the States of Washington and Oregon, and in their reports to their respective bodies did recommend, "We further recommend that a resolution be passed by the Legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification by joint agreement by said States;" and

Whereas said report was adopted by both the house of representatives and the senate by the passage of senate concurrent resolution No. 8; and

Whereas the legislature did fulfill the recommendations by enactment of house bill No. 170, which in section 108 reads as follows:

"SEC. 108. Should Congress, by virtue of the authority vested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between States, ratify the recommendations of the conference committees of the States of Oregon and Washington appointed to agree on the legisla-

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tion necessary for the regulation, preservation, and protection of fish in the waters of the Columbia River, over which said States have concurrent jurisdiction, and other waters within either State which would be affected by said concurrent interest, the recommendation being as follows:

" 'We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification only by joint agreement by said States'; and said recommendation having been approved by resolution adopted by adopting the report of the conference committee, then, and in that event, there shall exist between the States of Oregon and Washington a definite compact and agreement, the purport of which shall be substantially as follows:

" 'All laws and regulations now existing, or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall be made, changed, altered, and amended in whole or in part only with the mutual consent and approbation of both States:' " Therefore be it

Resolved (the house concurring), That we urge upon Congress of the United States of America to enact appropriate legislation ratifying and confirming the compact and giving its consent to the compact and agreement between the States of Washington and Oregon as is required by section 10 of Article I of the Constitution of the United States of America.

The memorial of the Legislature of the State of Oregon is as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the legislatures of the States of Oregon and Washington did appoint committees from their respective bodies to confer each with the other and to recommend legislation necessary to be provided for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River, over which the States of Washington and Oregon have concurrent jurisdiction, and over waters within the boundaries of said States which might be of concurrent interest; and

Whereas said committees did meet in Portland, Oreg., on the 6th day of February, 1915, and did agree on the necessary measures and legislation to be enacted by the legislatures of the States of Washington and Oregon, and in their reports to their respective bodies did recommend "We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification by joint agreement by said States"; and

Whereas said report was adopted by both the house of representatives and the senate by the passage of senate concurrent resolution No. 4; and

Whereas the legislature did fulfill the recommendations by enactment of senate bill No. 265, which in section 20 reads as follows:

"SEC. 20. Should Congress, by virtue of the authority invested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between States, ratifying the recommendations of the conference committees of the States of Oregon and Washington, appointed to agree on the legislation necessary for the regulation, preservation, and protection of fish in the waters of the Columbia River, over which said States have concurrent jurisdiction and other waters within either State, which would be affected by said concurrent interest, recommendation being as follows:

"We further recommend that a resolution be passed by the Legislatures of Washington and Oregon whereby the ratification by Congress of the laws of the States of Oregon and Washington shall act as a treaty between said States, subject to modification only by joint agreement by said States;" and said recommendation having been approved by resolution adopted by adopting the report of the conference committee, then, and in that event, there shall exist between the States of Oregon and Washington a definite compact and agreement, the purport of which shall be substantially as follows:

" 'All laws and regulations now existing, or which may be necessary for regulating, protecting, or preserving fish in the waters of the Columbia River, over which the States of Oregon and Washington have concurrent jurisdiction, or any other waters within either of said States, which would affect said concurrent jurisdiction, shall

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be made, changed, altered, and amended in whole or in part only with the mutual consent and approbation of both States:'" Therefore be it

Resolved (*the house concurring*), That we urge upon Congress of the United States of America to enact appropriate legislation ratifying and confirming the compact and giving its consent to the compact and agreement between the States of Washington and Oregon as is required by section 10 of Article I of the Constitution of the United States of America.

Filed in the office of the Secretary of State February 20, 1915.

The necessity for Federal legislation, if the terms of the compact and agreement are to be given effect, is apparent on reference to section 10, Article I, of the Constitution of the United States, which, among other things, provides that "no State shall, without the consent of Congress * * * enter into any agreement or compact with another State."

For about 300 miles the Columbia River separates the States of Washington and Oregon. Along the river an important fishing industry has been developed.

The States bordering thereon having entered into a compact and agreement providing for the regulation, preservation, and protection of salmon and other food fishes in the waters of the Columbia River over which they have concurrent jurisdiction, the enactment of the bill reported herewith is proposed to render such provisions effectual.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 380.

HEROES OF THE TITANIC.

MARCH 20, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCKINLEY, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. J. Res. 104.]

The Committee on the Library, having had under consideration the joint resolution (H. J. Res. 104) granting permission to the Woman's Titanic Memorial Association to erect a memorial on public ground in the city of Washington, D. C., report it back to the House with the following amendments:

In line 10, page 1, after the word "site" insert the word "chosen" and after the word "and" insert the word "the."

Beginning with the article "a," in line 11, page 1, strike out all the words down to and including the word "of," in line 1, page 2.

As amended the committee recommend that the resolution do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 381.

ORIGINAL MANUSCRIPT OF RECORD.

MARCH 20, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCKINLEY, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. J. Res. 24.]

The Committee on the Library, having had under consideration the joint resolution (S. J. Res. 24) authorizing the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient, Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge, report the resolution to the House with the recommendation that it do pass.

Upon this resolution the Librarian of Congress made to the committee the following report:

Acknowledging the copy of S. J. Res. 24, referred to me for my opinion, I beg to report:

(1) That the document referred to (a manuscript volume of the records of proceedings of Williamsburg Lodge, numbered 6, Ancient, Free and Accepted Masons, of Virginia) is in the possession of the Library of Congress.

(2) That the origin of the manuscript is not of record here, nor the circumstances of its acquisition by the Library.

(3) The statement in the resolution that it was taken from the lodge in the Civil War is presumably based upon information in possession of the lodge, but is not based upon information in the possession of the Library.

(4) That the manuscript originally belonged to the lodge appears to be obvious upon its face.

(5) As a document it has an interest here; but its interest as an original archive must from grounds of sentiment be greater to the lodge itself.

(6) As it should be, in our opinion, a proper concern to recognize such an interest where it can be done without severing from the Library material that should, on even larger grounds, be preserved here, we should favor the return of this record to the lodge; and therefore

(7) Recommend that the resolution be reported favorably.

Very respectfully,

HERBERT PUTNAM,
Librarian of Congress.

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64TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 394.

TO REGULATE THE MANUFACTURE, SALE, AND USE OF WEIGHTS AND MEASURES.

MARCH 20, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, submitted the following

REPORT.

[To accompany H. R. 9323.]

The Committee on Coinage, Weights, and Measures, to whom was referred the bill (H. R. 9323) to regulate the manufacture, sale, and use of weights and measures, to be known as the weights and measures act, having fully considered the same, report thereon with the recommendation that said bill do pass, with the following amendments:

On page 3, line 22, after the word "sale," add the word "give," and in line 23, on same page, strike out the words "free of cost."

On page 4, in line 23, strike out the words "or the Secretary of Commerce."

The object and purposes of this bill are clearly but briefly stated in the title. It will give the Bureau of Standards the regulation and control of the manufacture, sale, and use of weights and measures. All weighing devices must be approved by the Bureau of Standards and will result in uniformity and prevent the manufacture and sale of fraudulent scales and weighing devices, which are easily changed either by intent or through weak construction. Weights and measures officials of many States have indorsed this bill, and at the last annual conference of weights and measures officials of the several States, held in Washington, D. C., resolutions were passed indorsing H. R. 9323. The bill has been indorsed by the Secretary of Commerce and the Bureau of Standards. Some few protests have been filed against it by weights and measures officials, and one concern manufacturing scales is also opposed to its passage, but the bill seems to be generally approved by the public.

Your committee therefore unanimously favor the passage of the bill with the amendments and believe that it will be of benefit to the people and will not work a hardship on either the manufacturers of weighing devices or the merchants who use them.

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64th Congress, 1st Session. | HOUSE OF REPRESENTATIVES. | Report No. 395.

MEMORIAL TO JAMES BUCHANAN.

March 20, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Slayden, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. J. Res. 145.]

The Committee on the Library having had under consideration the joint resolution (H. J. Res. 145), report it back to the House with the following amendment:

After the word "Columbia," in line 9, page 1, of the resolution, strike out all the words following down to and including the word "northwest," in line 11.

As amended the committee recommend that the bill do pass.

The resolution grants permission to the trustees named in the will of Mrs. Harriet Lane Johnston to erect in the city of Washington a memorial to James Buchanan, fifteenth President of the United States.

Mrs. Johnston was a niece of President Buchanan and was social mistress of the White House during his administration. She continued to reside in Washington until her death in 1903. The following extract from her will explains the purpose of the resolution:

To William A. Fisher, of the city of Baltimore; Calderon Carlisle and E. Francis Riggs, of the city of Washington; and Lawrason Riggs, of the city of Baltimore, and the survivors and survivor of the them, his executors, administrators, and assigns, I give and bequeath the sum of $100,000, to be known as the "James Buchanan Monument fund," in trust to hold the same and keep the same invested until disposed of as hereinafter provided; that is to say:

In trust first: To secure for the purpose of a site for a monument, either by private negotiations or under the laws of the State of Pennsylvania, an acre or more of ground at Stony Batter, near Mercersburg, Pa., the birthplace of my uncle, James Buchanan, and thereon to erect a suitable monument with proper inscriptions, and I suggest as appropriate to the place and purpose of this monument a huge rock or bowlder in its natural state, except that proper surfaces or tablets should be prepared or provided for necessary inscriptions, and I direct that the monument shall be surrounded by a high iron railing for its protection, but the remainder of the ground shall be left uninclosed for the free use and enjoyment of the people of the State of Pennsylvania, to whose care I commit this memorial of my uncle, and upon the completion of the

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said monument I authorize and direct my trustees to secure the ownership of and control of said site and monument to the State of Pennsylvania, to be preserved as a memorial of her distinguished citizen:

In trust second: To secure from the Congress of the United States the designation of a suitable site in the city of Washington, to be approved and accepted by them, the trustees aforesaid, and the permission and consent of Congress to erect on said site a statue in bronze or marble of my uncle, James Buchanan, the said statue to be paid for by my said trustees out of the fund hereinbefore provided. And the said trustees are hereby authorized forthwith to procure proper designs or models for said statue with a view to selection of a suitable design and the submission of the same to Congress in connection with their application for the necessary authority and permission in regard to the site. And I direct that on the pedestal of the statue the trustees aforesaid shall place, in addition to other appropriate inscriptions, the noble and truthful words applied to my uncle by the Hon. Jeremiah S. Black: "The incorruptible statesman whose walk was upon the mountain ranges of the law."

The monument to President Buchanan at Stony Batter, near Mercersburg, Pa., provided for in trust first of Mrs. Johnston's will, has been erected and the property turned over to the State of Pennsylvania for perpetual care. This was done out of the income of the fund, so that the original amount of $100,000 is still available for the erection of the memorial in Washington.

The committee hopes its recommendation will be adopted by the House, that there may be no further delay in the erection of the memorial to James Buchanan, President and statesman.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 404.

WATER-POWER BILL.

MARCH 21, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 3331.]

The committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June twenty-first, nineteen hundred and six, as amended by the act approved June twenty-third, nineteen hundred and ten, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That when consent or authority has been or may hereafter be granted by Congress, either directly or indirectly, through any duly authorized official or officials of the United States, to any persons to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and after such approval it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Secretary of War and the Chief of Engineers. Such plans, specifications, and drawings shall be submitted within two years after the date of approval of the act authorizing the construction.

SEC. 2. That as a part of such approval such conditions and stipulations may be imposed as the Secretary of War and the Chief of Engineers may deem necessary to protect the present and future interests of the United States.

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which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate in connection therewith, without expense to the United States, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress may deem necessary in the interests of navigation, in accordance with such plans as they may approve; and also that the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches and shall grant to the United States free water power or power generated from water power for building and operating such constructions; and in such original approval, at the discretion of the Secretary of War and the Chief of Engineers, may be required to maintain and operate such lock without expense to the United States. The Secretary of War shall provide, as a condition of such approval, for the diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions, and may provide that the grantee shall at no time contract for the delivery to any one consumer of electrical energy in excess of fifty per centum of the total output, except upon the written consent of the Secretary of War.

SEC. 3. That as a part of said approval, the Secretary of War and the Chief of Engineers shall require that the project adopted and the plans, specifications, and location for any dam shall be such as, in the judgment of the Secretary of War and the Chief of Engineers, shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power and for other beneficial public purposes and best adapted to conserve and utilize in the interests of navigation and water-power development the water resources of the region. As between contesting applicants for approval of plans and specifications hereunder, preference shall be given to that applicant whose plans are best qualified to expedite such development; and as between such contesting applicants, which appear equally well qualified in such respect, preference shall be given to that applicant which has first complied with the laws of the State or States in which such dam is to be constructed.

SEC. 4. That in case of the development, generation, transmission, and use of power or energy under such approval in a Territory, or in two or more States, including leases under section nineteen hereof, the rates, charges, and service for the same to the consumers thereof shall be reasonable and just; and all unjust, unreasonable, or unjustly discriminatory charges, rates, or services are prohibited and declared to be unlawful, and the regulation and control of so much of the service and of charges for service to consumers as constitutes commerce between the States or in such Territory and of the issuance of stock and bonds by the grantee is hereby conferred upon the Secretary of War or committed to such body as may be provided by Federal statute; that in the valuation for rate-making purposes of the property existing under said approval of the project there may be considered any lock or locks or other aids to navigation, and all other capital expenditures required by the United States, but no value shall be claimed or allowed for the rights hereby granted, for good will, or any other intangible value: *Provided*, That the physical connection of plants or lines for the generation, distribution, and use of power or energy under this act or under approval made hereunder may be permitted, in the discretion of the Secretary of War, but combinations, agreements, arrangements, or understandings, express or implied, to limit the output of electrical energy, to restrain trade, or to fix, maintain, or increase prices for electrical energy or service, are hereby pohibited.

SEC. 5. That as a part of the conditions and stipulations such approval shall provide—

(a) For reimbursement to the United States of all expenses incurred by the United States with reference to the projects, including the cost of any investigation necessary for the approval of the plans as heretofore provided, and for such supervision of construction as may be necessary in the interest of the United States.

(b) For the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance, in and about such streams, by the United States of headwater improvements of every kind, nature, and description, including storage reservoirs or forested watersheds or land owned, located, or reserved by the United States at the headwaters of any navigable stream for the development, improvement, or preservation of navigation in such stream in which such dam

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may be located. Such charges shall be fixed from time to time by the Secretary of War and Chief of Engineers, based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to five per centum of the total investment cost, in addition to the necessary annual expense of the operation of such headwater improvement.

(c) That in the construction, maintenance, and operation of any project under this act for the promotion of navigation, the grantee may, with the consent of the Secretary of War, use and occupy, when necessary for carrying out the project, lands acquired by the United States through purchase or condemnation and any part of the public lands withdrawn by the President from entry or disposition for the sole purpose of promoting navigation, which the President may do, as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases," approved June twenty-fifth, nineteen hundred and ten. For any of such lands so used the grantee shall pay to the United States such reasonable charges as may be fixed by the Secretary of War.

SEC. 6. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this act, a suitable lock or locks, booms, sluices, or any other structures for navigation purposes, and the operation of any navigation facilities which shall be constructed as a part of or in connection with any dam built under the provisions of this act, whether at the expense of such grantee or of the United States, shall at all times be subject to such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by any such dam, as shall be made by the Secretary of War and the Chief of Engineers, and in the use and operation of such navigation facilities the interests of navigation shall be paramount to the uses of such dam by such grantee for power purposes. Such rules and regulations may include the maintenance and operation by such grantee, at its own expense, of such lights and other signals as may be directed by the Secretary of War and Chief of Engineers and such fishways as shall be prescribed by the Secretary of Commerce, and for failure to comply with any such rule or regulation such grantee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $500 for each month's default, in addition to other penalties herein prescribed or provided by law.

SEC. 7. That the grantee shall commence the construction of the dam and accessory works within one year from the date of the approval herein provided, and shall thereafter, in good faith and with due diligence, prosecute such construction, and shall, within the further term of three years, complete the dam and afterwards shall, within such times as the Secretary of War and the Chief of Engineers shall prescribe, put in commercial operation such part of the ultimate development as the Secretary of War and the Chief of Engineers shall deem necessary to supply the reasonable needs of the then available market, and shall, from time to time thereafter, construct such portion of the balance of such ultimate development as said Secretary of War and Chief of Engineers may direct and within the time specified by said Secretary of War and Chief of Engineers so as to supply adequately the reasonable market demands until such ultimate development shall be completed; and extensions of the periods herein specified, not to exceed two years, may be granted by the Secretary of War, on recommendation of the Chief of Engineers, when, in his judgment, the public interest will be promoted thereby. In case the grantee shall not commence actual construction within the time herein prescribed, or as extended by the Secretary of War, then the authority as to such grantee shall terminate, and in case any dam and accessory works be not completed within the time herein specified or extended as herein provided, then the Attorney General, upon the request of the Secretary of War, shall institute proper proceedings in the proper district court of the United States for the revocation of said authority, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section fifteen of this act.

SEC. 8. That without the written consent of the Secretary of War no sale or delivery of power shall be made to a distributing company, except in case of an emergency, and then only for a period not exceeding thirty days, nor shall any approval under this act be assigned or transferred without such written con-

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sent: *Provided, however*, That no grantee under this act shall create any lien upon any power project developed under an approval made under this act by mortgage or trust deed unless approved by the Secretary of War and for the bona fide purpose of financing the business of the grantee. Any successor or assign of such property or project, or of any rights accruing hereunder, whether by judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original grantee hereunder.

SEC. 9. That the rights granted herein shall continue for a period of fifty years from and after the completion of the dam or lock and dam, and shall be irrevocable except as herein provided, but may be declared null and void upon breach of any of the terms or conditions of approval: *Provided*, That such approval shall be made within or through any national forest or other reservation only upon a finding by the Secretary of the department under whose supervision such reservation falls that the development will not destroy, materially injure, or be inconsistent with the purpose for which said reservation was created or acquired.

SEC. 10. That at any time after the expiration of said fifty years the United States may terminate the rights hereunder granted upon the giving to the grantee, either before or after the lapse of the period of the grant, of two years' notice in writing of such termination, and may take over the properties which are dependent, in whole or in part, for their usefulness on the continuance of such grant and which may have been acquired by any grantee acting under the provisions of this act, upon condition that it shall pay, before taking possession, first, the actual costs of the dam and locks and all other aids to navigation constructed under the approval of plans and specifications, rights of way, water rights, lands, and interests therein purchased and used by the grantee in the generation and distribution of electrical energy under the grant: and, second, the reasonable value of all other property taken over, including structures and fixtures acquired, erected, or placed upon the lands and included in the generation or distribution plant and which are dependent as hereinabove set forth, such reasonable value to be determined by mutual agreement between the Secretary of War and the grantee or owners of such property, and in case they can not agree by proceedings instituted for that purpose in the United States district court for the district in which said property or some part thereof is situated, but in no case shall the amount exceed the actual cost: *Provided*, That such reasonable value shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible element: *Provided further*, That in case of war or other emergency to be judged by the Secretary of War the United States shall have the right hereby reserved to requisition and take possession of any or all of said property and operate the same for its own use and benefit as long as the necessity of emergency continues, and compensation for such use and occupation shall be determined and paid as heretofore provided in this section.

SEC. 11. That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in section ten hereof the Secretary of War may renew the approval of plans and specifications, either original or modified, upon such terms and conditions and for such periods as may be authorized under the applicable laws that may be in force at that time, or the Secretary of War is authorized, upon the expiration of any grant under this act, to approve terms and conditions under which a new grantee may operate such properties for such periods as applicable laws may then authorize upon the further condition that the new grantee shall pay the original grantee for the properties as provided in section ten of this act.

SEC. 12. That where, in the judgment of the Secretary of War, the public interest requires or justifies the execution by any grantee of contracts for the sale and delivery of water power or electrical energy for periods extending beyond the life of the grant, but for not more than twenty years thereafter, such contracts may be entered into upon the approval of the said Secretary, and thereafter, in the event of the exercise by the United States of the option to take over the plant in the manner provided in either section ten or eleven hereof, the United States or its new grantee shall assume and fulfill all such contracts.

SEC. 13. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works in accordance with the provisions of this act shall be liable for any damage that may be inflicted thereby upon private

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property, either by overflow or otherwise, and the United States shall in no event be liable therefor. The promotion of navigation for the benefit of interstate commerce being the paramount purpose and consideration for this legislation and the improvement contemplated therein, any grantee hereunder failing to secure necessary property rights, easements, and agreements by contract may acquire all such rights, either to use or damage any dam sites, lock sites, lands, or property of others necessary to the construction, maintenance, or operation of any such dam or diversion structure or of the works appurtenant or accessory thereto by the exercise of the right of eminent domain by condemnation proceedings in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding brought for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar actions or proceedings in the courts of the State where the property is situated.

SEC. 14. That in case of the development, generation, transmission, or use of power or energy under an approval given under this act, including leases under section nineteen hereof, wholly within a State which has not provided a commission or other authority having adequate power to regulate rate, charges, and service to the consumers of electrical energy and the issuance of stock and bonds by public-utility corporations engaged in power development, transmission, and distribution, the control of rates, service, and charges to consumers and stock and bond issues shall be vested in the Secretary of War or committed to such body as may be authorized by Federal statutes until such time as the State shall provide a commission or other authority for such adequate regulation and control: *Provided*, That the control of the Secretary of War or other Federal authority shall cease and determine as to each specific matter of control described in this section so soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

SEC. 15. That any grantee who shall fail or refuse to comply with the lawful order of the Secretary of War, made in accordance with the provisions of this act shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding $1,000, and every month such grantee shall remain in default shall be deemed a new offense and subject such grantee to additional penalties therefor; and in addition to said penalties the Attorney General may, on the request of the Secretary of War, institute proper proceedings in the district court of the United States in the district in which such structure or any of its accessory works may, in whole or in part, exist, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have jurisdiction over all such proceedings and shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the requirements of this act and the lawful orders of the Secretary of War and the performance of any condition or stipulation imposed under the provisions of this act; and if the unlawful maintenance and operation are shown to be such as shall require a revocation of all rights and privileges held under authority of this act, the court may decree such revocation. In case of such a decree, the court may wind up the business of such grantee conducted under the rights in question, and may declare such dam and accessory works to be an unreasonable obstruction to navigation and cause their removal at the expense of the grantee owning or controlling the same, or may provide for the sale of the dam and all accessory and appurtenant works constructed under authority of this act for the further development of water power, and may make and enforce such other and further orders and decrees as equity demands; and, in case of such a sale for the further development of water power, the vendee shall take the rights and privileges and shall perform the duties which belonged to the previous grantee, and shall assume such outstanding obligations and liabilities arising out of the maintenance and operation of such dam and accessory works for power purposes as the court may deem equitable in the premises.

SEC. 16. That the Secretary of War is hereby authorized to examine books and accounts of grantees and to require them to submit statements, representations, or reports including information as to capitalization, cost of locks, dams, and other aids to navigation, water rights, lands, easements, and other property acquired, production, use, distribution, and sale of power or energy, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of War may require; and any person making any

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false statement, representation, or report under oath shall be subject to punishment as for perjury.

SEC. 17. That each approval under this act shall be conditioned upon the acceptance by the grantee of all the terms and conditions of this act and of terms and conditions specified in the approval, which acceptance shall be expressed in the approval as a part of the contract entered into and that nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water except as related to the purposes of navigation.

SEC. 18. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be authorized in accordance with the provisions of this act. In such case the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in such dam.

SEC. 19. That the Secretary of War be, and he is hereby, authorized to enter into leases for the use of surplus water and water power generated at dams and works constructed wholly or in part by the United States in the interests of navigation at such rates or on such terms and conditions, and for such periods of time not to exceed fifty years, and with such provision for the periodical readjustment of rentals as may seem to him just, equitable, and expedient, subject, however, to the provisions of this act governing the authorization, maintenance, and operation of power plants and to all regulations governing the use and disposition of the power, so far as the same may be applicable; and all such leases, the parties thereto, and the terms and conditions thereof, shall be reported annually to Congress: *Provided*, That the said Secretary of War, in making such leases, other conditions being equal, shall give preference to the bid solely for municipal use of any municipal corporation or other public corporation not operated for profit.

SEC. 20. That the provisions of this act shall not be construed as revoking or affecting any permits or valid existing rights of way heretofore given or granted pursuant to law, but at the option of the grantee any grant heretofore given for the development, generation, transmission, or utilization of power may be surrendered and the grantee given a grant for the same premises under the provisions of this act.

SEC. 21. That the provisions of this act shall not apply to irrigation or power dams or grants to municipal corporations affecting the use of water or water power for municipal purposes or other projects under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture upon the public lands of the United States.

Amend the title so as to read:

To amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June twenty-first, nineteen hundred and six, as amended by the act approved June twenty-third, nineteen hundred and ten.

Before acting on the subject matter of the bill herewith reported the committee gave long, thorough, and patient attention to every phase of the subject, considered all the different views and shades of opinion entertained and advanced by many people who have discussed the question from various angles and viewpoints. The committee has endeavored to find a true basis or common ground on which those entertaining various and divergent views on minor details might agree, in order that legislation might be secured and progress promoted toward the accomplishment of the purposes of the bill.

It was not the original intent of those who conceived and framed the general dam act to deal with all water power, nor all questions affecting water powers, nor was it originally intended to deal with questions affecting water-power sites on the Government public lands, nor with projects promoted by the Government at the expense of the Treasury for the promotion of navigation solely, though incidentally providing in many cases magnificent heads of water for the

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generation of power and hydroelectricity. There were many thousands of miles of shoally streams affording sufficient water to maintain navigation if the water could be controlled, canalized, and thrown into slack-water pools. The cost of such work, if undertaken by the Government, to promote navigation only would obviously be prohibitive. No commerce was borne upon the streams or the parts thereof to be affected by such legislation; they were not in condition for navigation, yet the resources of the contiguous country were so abundant as to call for transportation facilities, and those offered by railroads, if any at all, were totally inadequate.

Many communities needed light, fuel, and power for manufacturing purposes, and the electric force and the heat to extract from the air elements for fertilizers realized in the manufacture of calcium cyanamid or atmospheric nitrogen. Many other possibilities of profitable commerce appealed to private capital to develop power on those shoally streams. The lands belonged to private individuals; they were located in States which could charter corporations, authorize the development of water power, tax them, and regulate their practices and charges; but those streams were all under the jurisdiction of the United States Government in so far as the right of navigation was concerned. The owners of the land were prohibited by law from obstructing those streams without the consent of Congress. It was to the interest of the public to secure navigation, which the Government could not, or would not, furnish on account of the high cost, and the owners of the property could not develop the water power and promote navigation without the consent of the Government, and would not do so unless the consent of the Government was granted on terms sufficiently attractive to invite capital to invest under the hope of reasonable profit. So the original legislation was framed to accomplish two objects—first, and primarily, to promote navigation on streams which otherwise would never be navigable. The navigation could be secured by inducing private capital to construct locks and dams in the same manner under the approval and direction of the War Department as they would be constructed by the Government, if the Government would do the work at all. And, secondly, to permit the development of the resources and the progress of the industries of the country through which those streams ran by encouraging the development of possible water power on those streams. Electric lighting, the operation of trolley cars, and, to a limited extent, the operations of machinery are familiar to all, but all of those uses require very small development. Electricity is a successful competitor of all kinds of fuel as it affords heat for houses, and cooking, all of which, as well as electric lighting, are cheaper, cleaner, and more convenient and safer than any other means, element, or method. The great desideratum, however, is the fact that the proposed development of hydroelectricity will promote industries to an unlimited extent along all of the navigable shoally streams, most important among which will be the production of atmospheric nitrogen for the benefit of the War Department, and all of the farmers who use artificial fertilizers to take the place of the expensive nitrates for which we now pay to Chile annually $22,000,000, and then secure an insufficient supply at high prices, augumented by an export tax of $11 a ton paid to Chile. In case our Republic should be engaged in a great war, or Chile should lay an embargo on export

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ing nitrates, our Government would be seriously embarrassed. In addition to furnishing the War Department, our farmers could be supplied at home with nitrates in larger quantities and at a much lower price and with greater certainty of a constant supply. In addition to that the hydroelectric furnace reduces the phosphate rock, so plentiful in many of the States, supplying the farmers with this element of fertilizer at far lower rates and by a much more satisfactory method than the expensive plan of reduction by sulphuric acid. The hydroelectric furnaces erected at these dams would also supply our country and the Government with steel of a quality superior and much cheaper than that produced by the old, obsolete, crucible method. By the same electric furnace the people may be supplied with aluminum much more cheaply and conveniently than now. The same electric furnace will extract from common salt the soda and the bleaching powders. All of these desirable conditions could have already been secured by liberal inducements to the investment of capital without relinquishing any necessary and reasonable restriction to protect the people in practices and charges. Inasmuch as Congress failed to afford such inducements capital seeking investment on our own rivers has gone to Canada and Norway, and now raw material from our own country is being shipped there and the finished product returned to be used by our people, who pay the freight both ways, as well as an additional high profit.

Some people obviously misunderstood the purposes of the general dam act, confounded it with the interests of the General Government in other respects, confused it with propositions connected with the public domain, and raised objections which have retarded progress and perhaps for many years banished capital from the country. In fact a great many of the projects authorized by law have entirely failed of completion and success on account of opposition. Other projects on which the investors have struggled against a rising tide of criticism and opposition, although in a measure completed, have proven unprofitable because markets have not been found for their light and power. In some cases when the investors sought to create a market by enlarging their plants through other developments they have been defeated in the effort and have thus failed to realize on their investments. In some cases they failed to secure renewals when the periods of their grants had expired without fault on their part.

In reporting this bill to amend the general dam act we have tried faithfully to protect all the interests of the Government in every project for which the consent of Congress may be granted, at the same time imposing such fair and moderate terms and conditions of the consent of Congress as may induce capital to relieve the Government of the expense of promoting navigation, and to supply the public with essential elements of prosperity by furnishing the capital and constructing the works in the hope of reasonable returns on investments. We conceive the prime consideration of the Government to be the promotion of navigation, and we believe there are streams on which several thousands of miles of navigation can be promoted under the terms of this bill without any expense to the Government. Next to that our care has been to provide that the public shall be treated fairly by the grantees, and we have provided therefore for prompt and certain as well as just and reasonable

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regulation as to rates and practices; and to this end it is provided that if any State in which a project is chartered fails to protect the public by such regulation the Secretary of War shall do so.

We have not provided for any specific tax upon the business of the enterprise. If the Federal Government should conclude that it is necessary to take away from the States the matter of water power as an object of taxation, we consider that a proper and safe way to do that is for the Ways and Means Committee to report a bill for levying a uniform excise tax upon all water power, or hydroelectric development, or upon water-power sites developed or undeveloped. We have deemed that course proper in order to secure a bill that will promise development, which would be entirely prevented by adopting the other course. We have also provided against monopolies and combinations, and provided every precaution to protect not only the Government but the people of the United States in any possible contingency arising from the operation of projects under this bill.

Yielding to the pressure from many directions, we have included in the present bill authority for the Secretary of War to accommodate communities and derive some revenue for the Government by leasing on satisfactory terms with proper safeguards the surplus water not needed for navigation at such projects. For the same reason we have also included a provision permitting the use of public lands for dam projects on terms to be prescribed by the Secretary of War where the structure proposed is to be in a navigable stream, for be it remembered that the inviting sites to develop water power are usually on the portion of streams which are only theoretically navigable, but which can be easily made navigable by the erection of dams and locks. Where there is no fall nor shoal the stream may already be in perfect condition for navigation, but would afford no opportunity for water power. On the other hand, the best places for water power, which on a casual glance would offer insuperable obstacles to navigation, are easily made navigable by erecting dams and locks, which, according to this bill, would be done without cost to the Government and at the same time insure to the public all the conveniences and blessings hereinbefore enumerated.

The committee has deemed it proper to print the bill, for convenience of examination and ready understanding, so marked and distinguished as to show the existing law brought forward and the new law proposed by the amendment, and the sources from which each new suggestion is derived.

The substitute reported herewith proposes to reform the existing law by collocating and paragraphing all provisions relating to particular parts of the subject, so that they may be more conveniently examined and understood.

Section 1 reenacts existing law.

Section 2 modifies existing law by providing that the Secretary of War shall require diligent, orderly, and reasonable development and continuous operation of water power; and limits the delivery to one consumer to not more than 50 per cent of the total output.

Section 3 modifies existing law by adding that as between contesting applicants preference shall be given to the applicant whose plans are best qualified to expedite such development; and between contesting applicants preference shall be given to the one first comply-

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ing with the laws of the State in which the dam is to be constructed; also requires the construction and use of water power for all beneficial purposes and adoption of the plan which best utilizes the resources of that region.

Section 4 provides that in interstate-commerce rates, charges, and service shall be reasonable and just, and not unreasonably and unjustly discriminatory, and that the regulation and control thereof, as well as the issuance of stocks and bonds, is conferred upon the Secretary of War, or such other body as Congress may direct. That in passing on rates any lock or locks, or other aids to navigation required by the United States may be considered, but no value claimed for the rights granted by the consent of Congress nor for good will nor any other intangible value. It also provides for the physical connection of plants in order that they may interchange business on fair terms, to be approved by the Secretary of War, when necessary, but combinations, agreements, and arrangements, express or implied, to limit the output, restrain trade, fix, maintain, or increase prices are prohibited.

Section 5 provides conditions of approval of plans and specifications. (*a*) To reimburse expenses incurred, cost of investigation, supervision of construction, etc.; (*b*) payment for benefits of headwater improvements and storage dams; (*c*) provides for acquiring any land of the United States that it may be necessary to occupy or damage.

Section 6 reserves to the United States the right to construct, maintain, and operate locks, booms, sluices, or other constructions for navigation in connection with any dam in case it is not required in the original approval, and also the right to control the level of the pool and all navigation facilities and make rules for such purposes, including the requirement of lights and other signals, and prescribes a penalty for failure to comply with such regulations.

Section 7 fixes the periods of commencement and completion, with provision in certain emergencies for extension of such periods, and authorizes the Secretary of War to direct and control the order and method of construction and commercial operation according to circumstances and conditions existing at the time, and provides for terminating the Government's consent in connection with the matter on failure to commence within the time limit.

Section 8 prohibits the delievery of power to a distributing company, except in certain emergencies and for 30 days, and prohibits any assignment of the rights arising under the consent granted without the written consent and approval of the Secretary of War, and prohibits the creation of any lien, except by the approval of the Secretary of War, for financing the business, and provides that any successor or assignee takes under the original conditions and terms prescribed in the original approval.

Section 9 limits the period of the grant to 50 years from completion of a dam, or lock and dam, irrevocable for such period as herein provided, but may be declared null and void upon breach of any of the terms and conditions of the approval. No approval in any national forestry or other reservation, unless the Secretary of the department having jurisdiction shall find that the development will not destroy, injure, or be inconsistent with the purpose of such reservation.

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Section 10 provides that the United States may terminate all rights under the consent after the expiration of 50 years by giving 2 years' notice, either before or after the lapse of the period, and may take over the properties by paying the actual cost of the dam and locks and other aids to navigation, rights, lands, and interests therein, and a reasonable value for all other property, and provides a method of reaching the amount to be paid, such value not to be affected by the franchise, good will, or profits, nor in any case exceed the actual cost. That in case of war or other emergency the United States may take over, temporarily, all of the property and operate it as long as the emergency continues, compensation to be made for such temporary use as provided in this section.

Section 11 provides that if the Government does not exercise its right to take over the property the Secretary of War may renew the approval of plans and specifications, either original or modified, upon terms and conditions authorized by law existing at the time, or may approve plans and specifications for a new grantee, who shall pay the original grantee as provided in section 10.

Section 12 provides that the Secretary of War may approve contracts running beyond the period of the grant and that, in case of any future change in the ownership, those contracts shall be carried out.

Section 13 provides that the person constructing the dam shall be liable for all damage inflicted and the United States in no event shall be liable. Also provides condemnation proceedings and the method therefor.

Section 14 provides for regulation of rates and practices by the Secretary of War when any State in which such structure is situated shall fail to provide any such regulation.

Section 15 provides penalties for failure to comply with terms and conditions or the lawful orders of the Secretary of War and that when a sale occurs to a new owner under process of law the new owner takes under all the terms and conditions and obligations of the original grantee.

Section 16 provides for the examination of books and accounts and all information connected with the business and provides for punishment for false statement.

Section 17 provides that the grantee shall accept all of the conditions of the approval, which shall be expressed as a part of the contract entered into. Nothing, however, shall interfere with the laws of any State relating to the control and distribution and use of water, except for the purpose of promoting navigation.

Section 18 reserves the right to alter, amend, or repeal without liability on the part of the United States.

Section 19 regulates the method to be pursued by the War Department in leasing the power at dams erected in whole or in part by the Government itself. It contains substantially the same provisions passed by the House two years ago and continues the method existing as to Government dams for many years, under which the War Department has satisfactorily regulated and leased surplus water at a number of such structures. The War Department reports to the committee that the pending section would regulate the sale of power at quite a number of dams located in the States of Alabama, Arkansas, Kentucky, Minnesota, New York, and Ten-

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nessee. The United States is entitled to receive the largest reasonable revenues accruing from the expenditure of its own money, and the method provided by this section insures this result and prevents injustice and favoritism.

Section 20 prohibits such construction of this act as would revoke or affect any existing terms or rights heretofore granted, but permits any such grantee to surrender his rights under the original grant and take a grant of consent for the same purposes under this act.

Section 21 provides this act shall not interfere with irrigation, power dams, or the use of water for municipal purposes, or other projects under the Secretary of the Interior or the Secretary of Agriculture on the public lands of the United States.

The committee believes that the passage of the substitute reported herewith would insure development and progress, and at the same time protect the interests of the Government and the interests and rights of the people.

Respectfully submitted.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 407.

ELECTRIC LIGHT AND POWER SERVICE, ISLAND OF OAHU, HAWAII.

MARCH 22, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. HOUSTON, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 6070.]

The Committee on the Territories, having had under consideration the bill (H. R. 6070) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all the island of Oahu, Territory of Hawaii, reports the same to the House with recommendation that the bill do pass with the following amendments:

On page 4, line 19, after the word "Commission," insert a period and strike out all the balance of lines 19, 20, and 21.

On page 4, after striking out the language on lines 19, 20, and 21, insert the following:

SEC. 5. The Public Utilities Commission of the Territory of Hawaii is hereby granted the power to order the Hawaiian Electric Company, Limited, its successors or assigns, to make extensions of its service lines within the island of Oahu whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the public utilities commission herein provided for shall be subject to review by the courts of said Territory.

On page 4, line 22, change the number of the section from section 5 to section 6.

This is a bill to authorize the company to extend its service lines beyond the district of Honolulu, and to distribute and supply electric light and power to any other point situated upon the island of Oahu, on which island the city and district of Honolulu is located. Demand for electric current for lighting and power purposes already exists at two of the United States Army posts located on this island, Schofield Barracks, and Fort Kamehameha, and at the United States naval station at Pearl Harbor, all outside the district of Honolulu, to which district the company's original franchise is restricted. In addition

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to the demand from the Federal posts, there is a like present demand from one of the large pineapple canneries, and from the Federal Wireless Co., which company has its wireless station located on the sea coast outside of the district of Honolulu.

The committee has had amendments made and offered to the original act passed by the Hawaiian Legislature in 1913, authorizing the Public Utilities Commission of Hawaii to order extensions of the company's service where the same shall appear a public necessity and can be made to earn a reasonable profit to the company.

The bill, as passed by the Hawaiian Legislature, and as now reported by your committee, provides for the regulation of rates by the public utilities commission.

As an electric light and power service would be a desirable and proper convenience both for the Army posts, the naval station, and the public in the community outside of the district of Honolulu, the committee recommends that the bill do pass as amended.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 418.

LIFE-SAVING MEDAL TO MARCUS A. JORDAN.

MARCH 23, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CLARK of Florida, from the Committee on the Library, submitted the following

REPORT.

[To accompany S. 888.]

The Committee on the Library, having had under consideration the bill S. 888, report it back to the House with the recommendation that it do pass.

This bill merely proposes to give to Mr. Jordan the recognition that would have come to him under the statute for the award of life-saving medals had the rescue not taken place in foreign waters on a foreign boat.

The circumstances are set forth in the following extract from a Japanese newspaper:

In connection with the visit of the Cleveland round-the-world tourists, it is learned that the Kofu-Kai, of Osaka, has presented a memorial gift to Mr. Marcus A. Jordan, of Baltimore, whose heroic deed in the Java Sea has been reported in the Japan Times. The Osaka Society, whose work is to give full appreciation and recognition to anything done for the betterment of society, has awarded the brave youth of Baltimore a gift and a letter, which reads as follows:

OSAKA, JAPAN, *January 8, 1912.*

Mr. MARCUS JORDAN,
Baltimore, U. S. A.

SIR: In recognition of your heroism we, the Kofu-Kai, of Osaka, Japan, are pleased to present you with a memorial gift herewith.

It is with the greatest pleasure that we record your heroic deed. The event took place on the 16th day of December, 1911. The Hamburg-American liner *Cleveland* was then sailing in the Java Sea for the Far East. One of the passengers threw herself overboard near the island of Java. Seeing the critical situation, you volunteered to save her by leaping into the surging sea. It was with greatest courage and firmest determination that you fought your way out of the threatening dangers. Your bravery is still more to be admired when you willingly exposed yourself to danger by leaping into the sea infested by sharks. Your heroism deserves to be recorded and recognized in full.

Therefore we are pleased to present you herewith an emblem of our appreciation of your deed.

Yours, truly,

KOMAJI HASERA,
President of the Kofu-Kai.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 424.

NATIONAL EMPLOYMENT BUREAU.

MARCH 24 (calendar day, MARCH 25), 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. NOLAN, from the Committee on Labor, submitted the following

REPORT.

[To accompany H. R. 5783.]

The Committee on Labor, to which was referred the bill (H. R. 5783) introduced by Mr. Nolan, to provide for the establishment of a national employment bureau in the Department of Labor, having considered the same, report thereon with the recommendation that it pass with the following amendments:

Page 1, line 10, after the word "by," insert "appropriation or other."

Page 2, line 14, add the following section, to be known as section 3:

SEC. 3. That the duties required by law to be performed by the Division of Information of the Bureau of Immigration, Department of Labor, authorized by section forty of the act of February twentieth, nineteen hundred and seven, entitled "An act to regulate the immigration of aliens into the United States," and all that pertains to the same, including all officers, clerks, and other employees occupying statutory positions in the said Division of Information, shall be transferred to and combined with the national employment bureau hereby created at such time and in such manner, arrangement, and organization as the Secretary of Labor may determine: *Provided*, That all appropriations and all allotments of appropriations heretofore or hereafter made for the Division of Information shall be and remain available for the said Division until such time as the said Division of Information shall be transferred to the natonal employment bureau as herein provided.

Page 2, line 14, section 3, to be changed to section 4, and section 4, page 2, line 21, to be changed to section 5.

The bill as amended is as follows:

A BILL To provide for the establishment of a national employment bureau in the Department of Labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the Department of Labor a national employment bureau. There shall be a commissioner of employment who shall be the head of said bureau, to be appointed

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by the President, and who shall receive a salary of $5,000 per annum. There shall also be in the said bureau a chief clerk and such experts, special agents, clerks, and other employees as may be authorized from time to time by appropriation or other law. It shall be the province and duty of such bureau, under the direction of the Secretary of Labor, to provide facilities whereby employers may obtain the services of persons seeking employment and persons seeking employment may obtain such employment; to provide for giving publicity to applications and demands for employees and applications and demands for employment, and to procure and disseminate such information on industrial conditions as may be pertinent to the purposes of this act: *Provided*, That such applications and demands for employment shall contain a declaration stating whether a strike or lockout is in progress or pending in the establishment wherein the work is to be done.

SEC. 2. That to this end the bureau may establish and maintain in such places as may seem desirable to the commissioner free labor exchanges, and may assist and cooperate with any other labor exchanges maintained by any State or other authorities or persons having powers for the purpose.

SEC. 3. That the duties required by law to be performed by the Division of Information of the Bureau of Immigration, Department of Labor, authorized by section forty of the act of February twentieth, nineteen hundred and seven, entitled "An act to regulate the immigration of aliens into the United States," and all that pertains to the same, including all officers, clerks, and other employees occupying statutory positions in the said Division of Information, shall be transferred to and combined with the national employment bureau hereby created, at such time and in such manner, arrangement, and organization as the Secretary of Labor may determine: *Provided*, That all appropriations and all allotments of appropriations heretofore or hereafter made for the Division of Information shall be and remain available for the said division until such time as the said Division of Information shall be transferred to the national employment bureau as herein provided.

SEC. 4. That the Postmaster General is hereby authorized and directed to extend to the Secretary of Labor the use of the post offices and postal facilities, including postal employees wherever they can be used, and the Secretary of Labor is authorized and directed to use the post offices and postal facilities and such postal employees wherever practicable for carrying out the purposes of this act.

SEC. 5. That the Secretary of Labor is hereby authorized to make all necessary rules and regulations for carrying out the purposes of this act.

At the hearings held by the committee on the bill presented, H. R. 5783, statements were made by the Secretary of Labor, Hon. William B. Wilson; Dr. B. A. Sekely, representing the National Liberal Immigration League; Mr. Royal Meeker, Commissioner of Labor Statistics, Department of Labor; Hon. John I. Nolan, of California; and Mr. D. B. Wheeler, of Washington, D. C.; all agreeing on the necessity of immediate legislation to take care of the problem of unemployment. No one appeared in opposition to the legislation although the fact that hearings were to be held was given the widest publicity.

Secretary Wilson reviewed the work of the Division of Information of the Immigration Service during the short time it had to attempt to work out this problem since taking up the work under the direction of the Secretary of Labor and Commissioner General of Immigration Anthony J. Caminetti. The statement of Secretary Wilson is included in the report for the benefit of the membership of the House.

STATEMENT OF SECRETARY OF LABOR, HON. WILLIAM B. WILSON.

Secretary WILSON. Mr. Chairman and gentlemen of the committee, I understood from the chairman of the committee that there was a desire on the part of the committee to have a statement from the Department of Labor concerning the subject matter of this bill.

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Section 40 of the immigration law creates a division of information, which is authorized to gather and disseminate information for the benefit of admitted aliens and others relative to opportunities for employment and opportunities to go upon the lands.

The organic law creating the Department of Labor authorizes the department to advance the opportunities for profitable employment of wageworkers. Taking those two authorizations together and utilizing them through the division of information in the Bureau of Immigration, the Department of Labor has undertaken and is at present building up a system of cooperation between municipal labor exchanges, State bureaus and departments of labor, and the Federal Government, so that the entire country may be covered by a system of labor exchange.

The municipal labor exchanges and the State labor departments and bureaus are limited in their activities by their geographical limitations. We have undertaken to connect those departments and exchanges up with a Federal labor exchange, and have organized 18 zones throughout the country, to be superseded later, in accordance with our present plans, by a zone for each State, with a chief office in each of those zones—the officials in charge of the zones being in direct communication with the division here in Washington. We are seeking to make arrangements, and, in some instances, have about completed the arrangements by which the municipal labor exchanges, the State labor exchanges, and the Federal division of information will have their offices located in the same suite of rooms, cooperating with each other in carrying on the work. The municipal branch being in closer touch with local affairs, utilizing that closer touch in dealing with municipal problems; State branch dealing with the problems that arise within the State in which it is located; and the Federal division carrying the information which it is necessary to carry beyond the State line.

We have also made arrangements with the Post Office Department by which we are able to utilize all of the post offices throughout the country for the gathering and disseminating information. Certain forms have been placed in the possession of postmasters. One form is to be filled in by employers who require workmen, stating the terms upon which they are willing to employ, the kind of workmen they want, whether or not a labor dispute exists, and information of that kind.

The second blank to be filled in by workmen desiring employment, stating his qualifications, what he desires, and information of that character which an employer would usually want to know in employing a workman.

These blanks may be had from the postmasters on inquiry, and filled out by the person making the application and forwarded by the Post Office Department to our zone center, without cost.

Mr. DENISON. You say that is being done now?

Secretary WILSON. It is being done now.

Mr. DENISON. Does the Post Office Department approve of that?

Secretary WILSON. It is through a mutual understanding with the Post Office Department that that arrangement has been carried into effect.

Mr. SMITH. Has the public, Mr. Secretary, been informed that that arrangement has been made?

Secretary WILSON. We have been giving as much publicity as we could to it, but it takes considerable time before the activities of the Government become generally known. We are doing that now. We have also made arrangements with the Agricultural Department through their agents throughout the country, and they have agents in every county in the United States, to keep us advised of any opportunities for employment which may come under the observation of their agents or any desire of workmen for employment which may come under their observation. These arrangements have already been completed.

In carrying out the work and arrangement with the States our first experiment was carried on a year ago last summer in the great wheat belt. We made arrangements with the State labor officials in the wheat belt to cooperate with them in furnishing workmen to harvest the crop. By the mutual arrangement entered into we were to carry on the publicity necessary to convey the information to workers outside of their respective States; to direct any workmen who might be seeking such employment to the points within the States designated by the State labor officials or agricultural officers, as the case might be; to persons who were to be located and who were located at those points by the State labor officials; in carrying out this work and in carrying out the idea of publicity in that work we utilized the post offices for the first time.

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We made arrangements with the Post Office Department to have the postmasters put up placards for us, stating that such men were needed for the wheat harvest in Kansas and Oklahoma, and so on, the rate of wages that was being paid or what was to be paid, the conditions of employment, the place to which they might report, and the name of the person to whom they might report, and then, in order that they might not have more workmen apply for work than there was work to give them, we made arrangements with the State officers that when it was nearing the time that they were about fully supplied with workmen that they would notify us, and when they did that we again utilized the post offices and placed placards there, notifying workmen not to proceed to those points which we had formerly advertised, unless they had first communicated with the officials named and had secured employment before leaving their homes.

In that experiment we found that to some extent and in some localities, principally through the activities of private agencies, which had not made the same arrangements which we had made, we had more men supplied than were actually needed. That did not occur to any great extent, but it did occur, and caused us to use greater care during last summer, when we undertook to carry through the same policy.

One other difficulty which we found was this, that after having supplied approximately 110,000 workers to harvest the wheat crops, and the crop had been harvested and thrashed, and the immediate necessity for that particular seasonal labor was over, that we had 110,000 men who were away from the centers of industry and commerce, with no way to get them back.

With that experience—and, by the way, they had to find their way back as best they could—we took up the matter with the railway corporations and with the Interstate Commerce Commission for the purpose of endeavoring to arrange for special rates for workmen going to seasonal occupations. The railroads hesitated to consider the proposition for a considerable length of time. We discovered that the principal reason for their hesitancy was that when men went into and returned from the wheat fields as hoboes or tramps, they did so as their own risk. If accidents occurred, the railroad companies were not responsible, but if they entered into any such arrangements as we suggested—carrying these men to and from the wheat fields at a very low rate—there was just the possibility that the damages which might accrue from accidents would more than take up the amount they received from the small rate of transportation which we suggested, and so they hesitated about entering into such an arrangement, even though they had the power. I think that they are now in a different frame of mind.

Mr. SMITH. Don't those men earn enough to pay their fare back home after they are through work? How long do they stay?

Secretary WILSON. They stay from one to two or three months, and the compensation, as I recall it—I am saying it offhand—ran in the neighborhood of from $2 to $3 per day and found—that is, food and shelter was provided in addition to the $2 or $3.

Mr. SMITH. You say there was a considerable number that did not have enough money to return to their homes after their employment?

Secretary WILSON. Complaint was made that a considerable number did not have the funds to return to their homes. Some of those people had traveled there from as far east as Washington, from the State of Pennsylvania, and the State of New York; they had gone out to the wheat fields and they were being found and sheltered out there, but they had homes to provide for which they had left behind, so there were many of them that complained of not having the means to get out.

Mr. SMITH. And they were good, saving, and thrifty men?

Secretary WILSON. Yes. In order to overcome the legal obstacles which were found, we suggested in our annual report—in our last two annual reports—that the Interstate Commerce Commission be given the power to make authorizations of reduced rates. It is not contemplated that there would be any compulsion in connection with that matter. It is not contemplated that the railroads would be compelled to give reduced rates, but simply that they may be authorized to do so without violating any of the interstate regulations, and we are seeking legislation along that line.

We have also experimented in the same line in the fruit-growing industry in the State of Washington, beginning with the strawberry crop and going on up through a wide field with the experiment, and these experiments have justified us in extending the operations of the work.

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We have also in emergency cases had some experience. On the occasion of the Salem fire, when the entire city of Salem was destroyed and the workmen and the workwomen were thrown out of employment, particularly in the boot and shoe industry and in the textile industry, the State officials of Massachusetts communicated with us and asked our cooperation in placing the workmen and workwomen who had been thrown out of employment.

We immediately placed ourselves in communication with other boot and shoe manufacturers in New England, New York, Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, and every textile manufacturer in those States, stating the circumstances and asking them how many of those people they could place of the class of labor they needed, and within 10 days from the time that we had made that statement to the manufacturers of the need of taking care of these workmen we had placed every worker in Salem who was willing to leave Salem to accept employment. There were some—a large number—who preferred to remain in Salem and take their chances in employment when the reconstruction of the city was completed.

Mr. BROWNE. How many workmen in that instance did you place?

Secretary WILSON. We placed somewhere between 3,000 and 4,000 laborers at this time. I am simply showing this as an example of what can be done in an emergency.

Mr. LONDON. Where did you place them?

Secretary WILSON. We placed them at various factories throughout those States that I have mentioned, in the lines that they were following. Those experiments that we have made have demonstrated to us the real value of work of this character. One of our difficulties in carrying on the work has been that it is carried on through the division of information in the Bureau of Immigration, and there has gone abroad the impression that the only thing we are permitted to do and the only thing we are authorized to do is to endeavor to find employment for those who are aliens, for immigrants residing in the United States.

There is a very general impression of that kind which we find expressed in letters coming to us, some seeking information, others protesting against the activities of the Government being confined solely to seeking employment for immigrants; the fact being, however, that we have been endeavoring to place the unemployed and have authority under existing law to place the unemployed, irrespective of whether they are aliens or are natives and citizens.

Mr. SMITH. Does your arrangement include the fare of the person to the places of employment?

Secretary WILSON. No. We do not undertake to carry through a system similar to that which exists in some European countries. We have no authority under existing law to do so.

We can not say, and it would not be wise for us to say, "Here is a job you are fitted to fill, and you must take it." We simply say to the men, "Here is a job of the kind that you feel that you can fill. This person wants an employee. Here is the information as to where you can find a place," and we leave it to the further initiative of the workman to determine whether he will accept the information.

What we are seeking, however, in addition, and that is not covered in this bill, and it is not asked to be covered in this bill—what we are seeking, however, is additional authorization for the railroads and the Interstate Commerce Commission to provide a low rate of transportation for those who are taking care of our seasonal work. By so doing you will very much increase the mobility of labor, and it may be said, in parentheses, that you can not have a thorough mobility of industry or a thorough mobility of commerce unless you have first a mobility of labor.

The CHAIRMAN. Can you give us any information as to the system in vogue in foreign countries relative to the unemployed?

Secretary WILSON. I would not want, Mr. Chairman, to go into details with reference to those systems without first refreshing my memory in connection with them.

Mr. LONDON. I suppose you would prefer not to be interrupted in your statement.

Secretary WILSON. That would not make any difference. I have about reached the conclusion of what I intended to say directly upon the bill.

Mr. LONDON. Is it not your object to ultimately establish a bureau where you would be in a position to give information as to the state of employment or unemployment in the country?

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Secretary WILSON. That is a part of what we have in mind, and I was coming to this particular bill at the moment I was interrupted.

Now, we believe that information as to the state of employment ought to be available. For instance, it is very frequently the case that you will find published in the trade journals throughout the country this information: "Workmen are being induced to come to this section of the country by statements that there is a shortage of labor and that the compensation is great. Workmen are warned that those statements are not true."

That has been particularly true with regard to the Pacific coast. It is also a weekly occurrence in the trade journals East that you will find a warning contained in them to people to stay away from the Pacific coast, because the statements about the opportunities for employment out there are without foundation in fact.

It is advisable that we should have the facilities for gathering information not only with regard to the opportunities for employment in a specific way—although to my mind that is the greatest advantage—but also with regard to opportunities for employment in a general way, and information concerning congestion at different points.

We are seeking to overcome the latter phase of it through our Bureau of Labor Statistics. We have inaugurated a semiannual study of the question of unemployment in the principal industrial centers. Unfortunately, there have been no such studies made heretofore on any definite basis upon which a comparison could be made with the unemployment existing now and the unemployment existing in periods in the past. The nearest we have come to that has been in our census reports and in our census investigations.

The last census investigation undertook to show the number of unemployed, but unfortunately it was not secured in such a manner as to give any definite information as to the number of unemployed. It showed, for instance, that the number of unemployed during the year preceding the date upon which the census was taken amounted to over 6,000,000—I am speaking in round numbers—that the number of unemployed amounted to over 6,000,000 during that period.

Mr. LONDON. In 1910?

Secretary WILSON. In 1911; the year preceding that. That conveys the impression to the casual reader that there were 6,000,000 unemployed people at that time. Yet such was not the case. What did happen was this, that the census made an inquiry as to the number of people who had been unemployed at any period during the preceding year, and it found that there were 6,000,000 who, during that year, had, at one time or another, been idle, and there was no attempt to subdivide that time to find out what the number were that were unemployed at any one given period. So that the statement of there being over 6,000,000 unemployed in 1910 is very often quoted as upon the assumption that there were 6,000,000 idle people at one time in 1910.

Mr. LONDON. And it really did mean that these 6,000,000 people were separated from their jobs at one time or another?

Secretary WILSON. At some period. It may be possibly for days with some, and with others possibly for months, but there were 6,000,000 people who at one time or another and at one length of time or another were out of work or were without jobs during 1910, but no attempt has been made to segregate that number of unemployed into its different elements. We feel that that should be done, and we are endeavoring to do it as best we can with the limited means at our disposal in the Bureau of Labor Statistics, but the authorization would not be fixed in a bill of this character, because we already have that authority in the Bureau of Labor Statistics and are endeavoring to work it out.

Mr. LONDON. And you will be able to reach a state where you will be able to give every day a statement as to the condition of employment or unemployment?

Secretary WILSON. That would be a long time in the future, Mr. Congressman, because we have a tremendous territory to cover, as well as an immense population, and it would require an immense amount of machinery to be able to state the number of unemployed from time to time and from day to day.

Mr. LONDON. Is not that the object which we seek in establishing this bureau, ultimately, in seeking to establish such a bureau?

Secretary WILSON. I think that we might ultimately reach that condition, but I do not expect that we shall reach it in the immediate future. I think, however, that the organization should be so constructed that Congress may from time to time extend the machinery as the experience gained determines

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the directions in which it should be extended, and in that respect, I may say, that it occurs to me that this bill is admirably drafted. You who are Members of the House understand the parliamentary difficulties under some circumstances.

Mr. LONDON. That is, we are supposed to understand it.

Secretary WILSON. This bill provides that there shall be a commissioner of employment, who shall be the head of said bureau, to be appointed by the President, and who shall receive a salary of $5,000 per annum. There shall also be in said bureau a chief clerk and such experts, special agents, clerks, and other employees as may be authorized from time to time by law. By including that in your bill, the only fixed part of your organization is your commissioner. He is a fixed part of the organization, and he has a fixed salary. If this becomes a law, and the Appropriations Committee reported a measure providing $6,000 as the compensation or in any manner changing it, or any Member of Congress favored such a proposition on the floor of the House, one Member of Congress could prevent its consideration by raising the point of order that there was no authorization in law for the same. That objection could not be made to the rest of the organization.

Mr. NOLAN. I just want to make the suggestion, Mr. Secretary, that I have an amendment that I propose to offer, if the committee gives this bill consideration for the purpose of reporting it out, by inserting, after the word "by," on line 10, "appropriation or other," which will make it read "and other employees as may be authorized from time to time by appropriation or other law." It is in line with the amendment which we adopted awhile ago on one bill, and is the language of the bill for the creation of the bureau of labor safety.

Secretary WILSON. The language used is general. It is broad enough to cover everything in the way of experts, special agents, clerks, and other employees that Congress may, in its judgment, determine to give to the bureau in the expansion of its functions. So that we have language, if the appropriation committee reports out the necessary appropriation, to be applied to the personnel necessary to carry out the work, or any Member of the Congress on the floor offers an amendment to do so, no one Member of Congress can prevent its consideration. It would have to be dealt with, then, by Congress purely upon its merits, instead of being put out upon a point of order upon the ground that there is no authorization under law.

So you have provided in this bill for a means of expansion along the lines that experience may determine, whenever in the wisdom of Congress it is advisable to make an expansion.

Mr. LONDON. What in your judgment would be the initial appropriation that would be necessary as the first appropriation?

Secretary WILSON. I have not gone carefully into that. Our Bureau of Labor Statistics, at my instance, has provided a skeleton organization. After examining their draft, however, I am of the opinion that the draft which they have prepared is not at all necessary; that is, the organization that they have suggested is not at all necessary at this time. In other words, it seemed to me what was proposed in our discussions in the department created an organization which was much larger than our present needs in the present development of our work, and so I am not prepared to say at this time how large an organization might be necessary.

I want to say, however, as I was proceeding to say when I was interrupted, that we have found the sentiment throughout the country that the Division of Information in the Bureau of Immigration is dealing with the problem solely from the standpoint of the immigrant, and we have the machinery partly built up already in the Division of Information. It occurred to me that if this bill is to become a law that there should be a provision in the bill which would transfer the Division of Information to the new bureau, so that there would be no duplication of work, and I suggest in that connection that there be added a separate section after section 2, to be known as section 3, which would read as follows:

"SEC. 3. The Division of Information in the Bureau of Immigration, Department of Labor, is hereby transferred to the national employment bureau, hereby created, to be combined with, organized, or rearranged in such manner as the Secretary of Labor may determine."

The desire for combination or reorganiaztion or rearrangement being brought about by virtue of the fact that if you simply transfer the Division of Information to your bureau of employment without an authorization of that kind

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given to the Secretary you bring in a statutory division into a bureau of employment, where there is no necessity for a separate statutory division dealing with the same subject matter, and if you transfer the division to the bureau and then authorize the Secretary to combine that division with the bureau or to reorganize it or rearrange it you have overcome the obstacle and prevented duplication. In my judgment the amendment which I have suggested would facilitate the work we are now trying to do in the Bureau of Labor and would not be any more expensive to handle as a bureau than it is now to handle it as a division of the Bureau of Immigration.

Mr. NOLAN. I would just like to have a clear-cut statement. We are likely to run against—if the committee sees fit to report this bill—the statement that the machinery as it is already established is in good working order. Do you consider the creation of this bureau for this very important work would be of some distinct advantage?

Secretary WILSON. Io. do. I think that the creation of a bureau would be a distinct advantage for two reasons: First, because the people would realize by the creation of this bureau that it is dealing with the question of unemployment not only for aliens but for all of our people who are here; and, second, that the problem is an immense problem, one of the greatest problems that modern society has to deal with; and being an immense problem, it should not be complicated in its administrative machinery with a bureau dealing with another immense problem such as immigration. For these two reasons I believe that the work would be facilitated by the creation of a separate bureau, and that the expense of conducting the work would not be any greater conducted as a separate bureau—with the possible exception of a few thousand dollars for overhead charges—would not be any greater than the work of conducting it in the division of information in the Bureau of Immigration.

Mr. BROWNE. What section of the statutes do you work under now?

Secretary WILSON. Section 40 of the immigration law and section 1 of the law creating the Department of Labor.

Mr. NOLAN. You will furnish us with the suggested amendment?

Secretary WILSON. Yes; I will have copies of it made. It is simply in crude form, as I suggested, and I will have a copy of it made and sent up to you in a little better form.

Mr. DENISON. Mr. Secretary, the Department of Labor has been advised with in the preparation of this bill before the other Congress and before this Congress?

Secretary WILSON. I did not quite catch the question.

Mr. DENISON. Has the Department of Labor been advised with as to the contents of this bill and the bill that was introduced in the former Congress, the similar bill?

Secretary WILSON. Yes, sir.

Mr. DENISON. So that this bill for the creation of this bureau meets the approval of the Department of Labor?

Secretary WILSON. With the amendment which I suggested; yes.

Mr. DENISON. Now, if the bill passes as amended according to your suggestion, would it increase the force of employees who are now required in the Department of Labor?

Secretary WILSON. It would increase it by at least one commissioner at $5,000 per annum, with probably a statistician at $2,500 or $3,000 per annum. I doubt whether, to begin with, we would need any more clerks than we now have already assigned to the Division of Information.

Mr. DENISON. I see.

Secretary WILSON. And we would not need the assistant commissioners or chief clerks, because the chief of the division and the assistant chief of the division, as at present organized, who are in the classified service, could undoubtedly be utilized, or at least people holding those positions could be utilized in the organization of this bureau if the Division of Information is transferred to this bureau.

Mr. DENISON. Now, do you understand, Mr. Secretary, that all of these employees, except the commissioner named in this bill, would be under the classified list?

Secretary WILSON. This is drafted in such manner that the only person provided for who would not be in the classified service would be the commissioner.

Mr. DENISON. Now, I notice this provision here, and I would like to talk to you about it. On page 2 of the bill it says "part provided that such applications and demands for employment shall contain a declaration stating whether

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a strike or lockout is in progress or pending in the establishment wherein the work is to be done."

What is the object of that provision in the bill, as you understand it?

Secretary WILSON. If I understand the purpose of a labor-distribution agency, it is not to take men from a place where an oversupply of labor is to another place where there is also an oversupply of labor. The purpose is to take them from a place where there is an oversupply of labor to a place where there is not a sufficient supply of labor. Now, if a strike exists at any point, the very fact that a strike exists at that point is an evidence that there is a sufficient supply of labor there and of the character of the labor required, because they are people who have been engaged in the industry, and the only question at issue is a question as to the terms, and under those terms and conditions it would not be the proper function of a labor-distribution agency to bring more men in where there is already a sufficient number of men. It would be a proper function of our mediation service to step in and endeavor to bring about an adjustment of the difficulty, so that those who were there and unemployed might be employed.

Mr. DENISON. Do you understand, then, that this department or this bureau would have that additional power of mediation?

Secretary WILSON. No; we already have the power of mediation in the organic law of the department.

Mr. DENISON. I see. Now this question. Do you think there would be at all any conflict in interest if this division of information which is now authorized under the immigration law was transferred to this bureau of employment, thereby putting the disposal of foreign immigrants into the hands of the same bureau which has the disposal of other idle labor?

Secretary WILSON. I do not think that would lead to any conflict of any kind whatsoever. One of the principal reasons for our immigration laws, one of the first restrictive features, has been economic. Some of the features are on a different basis, such as the restriction because of physical, mental, or moral defects. Those are sanitary. The restrictions, however, with regard to coming here under contract is purely economic. So far as the economic condition is concerned it makes no difference to the American wageworker whether the competition which results in reducing his wages and impairing his working conditions comes from an alien or an American if the alien is already here and in a position to make that competition. If the alien is here at all, then it is just as essential to the American wageworker that that alien should have the opportunity of profitable employment as it is that his American neighbor should have the opportunity for profitable employment, because if the alien has not the opportunity for profitable employment his physical necessity will force him to accept unprofitable employment in an unfair and unjust competition with his American neighbors, so that any division of our Government which deals with the problem at all should deal with it from the standpoint of furnishing employment wherever possible—profitable employment, and the distinction should be made—furnish profitable employment to all those who are citizens of the United States and to all admitted aliens; the same division of the Government should deal with both.

Mr. NOLAN. Mr. Secretary, regarding section 3 as it reads, there will not be any conflict with the Postal Department on account of the language in that section. will there?

Secretary WILSON. So far as I know there will not be, but I take the liberty of suggesting that that feature of it be submitted to the Post Office Department for consideration. We have found no difficulty in making arrangements with the Post Office Department along the lines stated by me. We have already made that arrangement, which covers practically all that is asked by this section. Whether the Post Office Department would desire to have it included as a statutory provision or not I am not prepared to state, and I take the liberty of suggesting that the section be submitted to the Post Office Department for such statement as it desires to make in connection with it.

Mr. NOLAN. I think it is desirable, because we do not want to have any conflict, in case we report the bill out, with the Member on the floor regarding the department's position here.

Mr. DENISON. Could you, from your experience in these matters and connected with other similar matters, could you give an estimate as to the additional expense that would be required annually to put this bureau in operation?

Secretary WILSON. No.

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Mr. NOLAN. I do not want to lead you to give any figure that you would not be satisfied with, but I mean have you any judgment on that matter?

Secretary WILSON. Only in a crude way. The work contemplated by this bill and on the scale in which we have been attempting to work it out in the division of information is the largest ever undertaken. There are no precedents to guide us. There is no previous experience upon which we can build estimates of the expense. It is contemplated in the organization that we now have in mind that in the largest cities we would have an office with the necessary clerks for the transaction of the business, in conjunction with the office of the municipality, and in those cities where there is both a municipal labor exchange and a State bureau or department dealing with the same subject matter to have branches of the Federal Government existing there, and then carry that work out into the adjacent States, even where there is no such municipal or State branch, on the same theory and for the same purpose that a railroad might extend a spur, a feeder, even though, computed upon the basis of a mileage tonnage rate on the spur, the spur itself might not be profitable, but as a feeder to the main line it becomes profitable. On the same theory we contemplate extending, as experience demonstrates the necessity, the branches of this agency at times and points where the number of workmen placed may not, so far as computation for that particular division itself is concerned, seem profitable, and yet, as a part of the entire system, would be a profitable arrangement in the placing of our workmen. That is part of the plan that is contemplated.

Mr. SMITH. In connection with the expense or the seeking of this information, would the applicant or the person wanting employment pay any fee?

Secretary WILSON. No; it is not contemplated that any fee should be paid. It is contemplated——

Mr. SMITH (interposing). That it should be free?

Secretary WILSON. That it should be free; the assumption being that the State itself gets its compensation from the improved economic conditions brought about by bringing the man that is without a job and the job that is without a man together, and the economic increase that grows out of it.

Mr. SUMNERS. Would it not be possible for you to cooperate with those States where they are already organized, without the necessity of establishing a Government branch?

Secretary WILSON. We have found that it is not possible in its practical operations. It might be possible to do so, and in some instances I presume it would be possible, but you can not expect that the State branch, dealing with the problem of unemployment within the State, is going to the expense of maintaining additional clerks necessary for the transaction of business which would be necessary in keeping the Federal Government advised of the opportunities. That part of the work, and that part only, should be undertaken by the Federal Government and at the expense of the Federal Government.

Mr. SUMNERS. Have you found it advisable in your experience to require those who apply for laborers to give to the Government some guaranty that they will carry out their contract?

Secretary WILSON. Not except transportation, where they have contracted to advance transportation. In every other respect we have worked upon the principle that there is no contract of labor that can be enforced upon either party; that it is a contract in honor and can not be enforced either upon the employer or employee. That is fundamental; and there are conditions upon which an employer can not be compelled to continue employment and conditions under which the workmen can not be compelled to work. Under those circumstances we have not deemed it advisable, and in fact have not deemed that it was possible, to make any arrangement by which we could force the continuance of a civil contract to labor, but we have sought to make arrangements in connection with the reimbursement of transportation where transportation has been advanced.

(The committee thereupon adjourned.)

The bill before the House is the outcome of prolonged investigation on the part of the committee into the problem of unemployment.

Extensive hearings have been held by the Committee on Labor both in the Sixty-third and in the Sixty-fourth Congresses.

The views of many persons having practical experience in this field have been presented and considered.

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At the hearings held on the bill during the Sixty-third Congress statements were made by the Secretary of Labor, Hon. William B. Wilson; Hon. Victor Murdock, of Kansas; Dr. John B. Andrews, representing the American Association for Labor Legislation and the American Section of the International Association on Unemployment; Mr. A. E. Vaughan, representing the Brooklyn Bureau of Charities; Mr. R. E. Cole, of Cleveland, Ohio; Mr. Joseph Mayper, representing the legislative committee of the North American Civic League for Immigrants; Dr. W. D. P. Bliss, of New York City, representing the Religious Citizenship League; Miss Frances A. Kellor representing the Conference upon Unemployment among Women; Mr. Walter L. Sears, superintendent of the State Free Employment Office, of Boston, Mass., representing the committee of 100, of Massachusetts, to advocate the representations of the Massachusetts Commission on Immigration; Mr. Manuel F. Behar, representing the National Liberal Immigration League, New York City; Hon. William J. MacDonald, of Michigan; Mr. D. B. Wheeler, Washington, D. C.; and Dr. W. M. Leiserson, in charge of the investigations into irregularity of employment and employment agencies conducted by the United States Commission on Industrial Relations.

Much valuable information will be found upon the subject in the hearings containing these statements and in the material submitted and printed in connection therewith. All those likely to be interested in the subject were invited to appear, and no one appeared in opposition to the legislation.

H. R. 5783, introduced by Mr. Nolan, contains a comprehensive plan for the establishment of such a bureau and embodies the proposition to use the post offices, postal facilities, and postal employees under the direction of a bureau of employment established in the Department of Labor. This idea has met with the approval of the committee and practically all students of the question, since it offers the opportunity of using for the solution of this problem well-established departments of the Government already organized. Moreover, it recommends itself for the reason that the expense entailed will thus be comparatively small. Also, as the post office is already the center of the social life in every community and the inhabitants habitually visit these offices, the system can at once be put into operation and those in most need of service of this kind be immediately acquainted with its opportunities through channels with which they are familiar and in the habit of using daily. The facilities for free and easy intercommunication possessed by the Post Office Department will also aid greatly in making the system efficient.

The committee, after considering the provisions of the bill, and after considering the testimony of those interested as presented at the hearings, determined that it would be advisable to inaugurate the system by a bill giving broad powers to the department with sufficient authority to work out the details of administration in the way that experience should prove to be most beneficial without attempting to enact into law details of administration that later upon practical application might be found to hamper the development of the system.

The committee believes the bill gives ample power and opportunity to work out the system in the most efficient manner.

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NECESSITY FOR FEDERAL ACTION.

The necessity for legislation of this character is denied by no one; and, indeed, the increasing menace of the situation in regard to unemployment at certain seasons of the year is so apparent that all students of the question agree that some remedy must be found. It is also agreed that the problem can not be handled efficiently except by an agency having a power and scope of a national bureau, since it is an interstate problem and utterly beyond the power of the individual States to cope with, although it is believed that the national bureau can cooperate with the State institutions of a like character, and the bill makes provision for such cooperation.

The Department of Labor, under limited powers conferred upon a division in the Bureau of Immigration and Naturalization, has already been able to demonstrate the effectiveness with which valuable aid can be rendered in the way of putting the man or woman in touch with the job; and, with enlarged powers and complete authority, there is no reason to doubt that much greater headway can be made toward the solution of the entire problem.

CONCLUSION.

The committee is convinced that it is in the power of Congress, by immediate action (which should be taken before another season of unemployment is upon us), to alleviate to a large extent the appalling situation that periodically confronts the country by reason of unemployment and earnestly urges the immediate attention of Congress thereto.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 425.

BRIDGE ACROSS TENNESSEE RIVER NEAR CHATTANOOGA, TENN.

MARCH 25, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 4657.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 4657) to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee, having considered the same, report thereon with a recommendation that it pass.

The following is the report of the Senate Committee on Commerce on this bill:

The Committee on Commerce, to whom was referred the bill (S. 4657) to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Department of War, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *March 11, 1916.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that S. 4657, Sixty-fourth Congress, first session, "To authorize the Cincinnati, New Orleans & Texas Pacific Railway Co., to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," makes ample provision for the protection of the interests committeed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

JOHN S. SCHOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 426.

BRIDGE ACROSS SUSQUEHANNA RIVER, SUNBURY, PA.

MARCH 24 (calendar day MARCH 25), 1916.—Referred to the House Calendar and ordered to be printed.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 3977.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3977) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa., having considered the same, report thereon with amendments and as so amended recommend that it pass.

Amend the bill as follows:

Page 1, lines 5 and 6, strike out the word "railroad."

Amend the title so as to read:

An act to authorize the Shamokin, Sunbury and Lewisburg Railroad Company, its lessees, successors, and assigns, to construct a bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pennsylvania, to Monroe Township, Snyder County, Pennsylvania.

The following is the report of the Senate Committee on Commerce on this bill:

The Committee on Commerce, to whom was referred the bill (S. 3977) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa., having considered the same, report thereon with a recommendation that it pass without amendment.

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The bill has the approval of the War Department, as will appear by the following letter, which is made a part of this report:

Second indorsement.]

WAR DEPARTMENT, *February 2, 1916.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 3977, Sixty-fourth Congress, first session, to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress, so far as those interests are concerned.

HENRY BRECKINRIDGE,
Acting Secretary of War.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 427.

BRIDGE ACROSS THE TOM BECKBY RIVER, JACKSON, ALA.

MARCH 25, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 4603.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called Tombigbee, River at Princes Lower Landing, near Jackson, Ala., having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Page 1, line 7, strike out the words "Tom Beckby, commonly called."

Page 1, line 8, strike out the comma after the word "Tombigbee."

Amend the title so as to read:

An act to authorize the Jackson Highway Bridge Company, its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Alabama.

The following is the report of the Senate Committee on Commerce on this bill:

The Committee on Commerce, to whom was referred the bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called Tombigbee, River at Princes Lower Landing, near Jackson, Ala., having considered the same, report it with an amendment, and as amended recommend its passage.

The bill thus amended has the approval of the Department of War, as will appear by the annexed letter, the amendment referred to therein having been incorporated in the bill as reported.

Amendment: Page 1, line 8, after the word "at," insert the words "or near."

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WAR DEPARTMENT,
Washington, March 3, 1916.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce,
United States Senate.

MY DEAR SIR: I beg to acknowledge the reference of the Committee on Commerce to this department of Senate bill No. 4603, current session of Congress, to authorize the construction of a bridge across the Tombigbee River at Princes Lower Landing, near Jackson, Ala., by the Jackson Highway Bridge Co.

The bill is in the usual form adopted by Congress for such measures, and with a slight amendment, which has been indicated thereon, will amply provide for the protection of navigation interests. So far as those interests are concerned, I know of no objection to the passage of the bill by Congress.

H. L. SCOTT,
Secretary of War ad interim.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 428.

BRIDGE ACROSS WEST BRANCH OF THE SUSQUEHANNA RIVER, BOROUGH OF MILTON, PA.

MARCH 24 (calendar day, MARCH 25), 1916.—Referred to the House Calendar and ordered to be printed.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 3978.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3978) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns to construct a railroad bridge across the West Branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa., having considered the same, report thereon with amendments and as so amended recommend that it pass.

Amend the bill as follows:

Page 1, line 5, strike out the word "railroad."

Amend the title so as to read:

An act to authorize the Catawissa Railroad Company, its lessees, successors, and assigns to construct a bridge across the West Branch of the Susquehanna River from the borough of Milton, Northumberland County, Pennsylvania, to the borough of West Milton, Union County, Pennsylvania.

The following is the report of the Senate Committee on Commerce on this bill:

The Committee on Commerce, to whom was referred the bill (S. 3978) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the West Branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa., having considered the same, report thereon with a recommendation that it pass without amendment.

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The bill has the approval of the War Department, as will appear by the following letter, which is made a part of this report:

[Second indorsement.]

WAR DEPARTMENT, *January 31, 1916.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

The Chief of Engineers reports that Senate bill 3978, Sixty-fourth Congress, first session, to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the West Branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

HENRY BRECKINRIDGE,
Acting Secretary of War.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 430.

SALE OF INTOXICATING LIQUORS TO MINORS.

MARCH 27, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. SABATH, from the Committee on Alcoholic Liquor Traffic, submitted the following

REPORT.

[To accompany H. R. 465.]

The Committee on Alcoholic Liquor Traffic, to which was referred the bill (H. R. 465) to prohibit the sale of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States, unanimously report the same to the House of Representatives with the recommendation that the bill do pass.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two hundred and eighty-eight of the act approved March fourth, nineteen hundred and nine, entitled "An act to codify, revise, and amend the penal laws of the United States," is hereby amended by adding thereto the following as a new section:

"SEC. 288a. Whoever shall sell, give away, or dispense in any manner intoxicating liquors of any kind as a beverage, to any person under the age of twenty-one years, within the admiralty or maritime jurisdiction of the United States, shall be fined in any sum not exceeding $500 for each offense. The master of every vessel is directed to enforce this prohibition, and in case any violation of this act is permitted or is committed upon any vessel by an officer or employee of said vessel, then said vessel shall be fined in any sum not exceeding $5,000, the amount of said fine to be determined by the Secretary of Commerce in the same manner that other fines for violation of the navigation and inspection laws are now determined under section fifty-two hundred and ninety-four of the Revised Statutes of the United States."

A similar bill was reported unanimously from this committee in the Sixty-second Congress, and passed the House in the Sixty-third Congress. The hearings then had upon the bill disclosed that in a great many sections of our country on the excursion steamers liquor is sold to minors, and that in many instances investigators have found boys of 18 and 19 and girls of 15 and 16 years of age under the influence of liquor on these boats. This is an evil which should be eliminated.

Nearly every State in the Union has laws against the sale of intoxicating liquors to minors, but they have no jurisdiction over these vessels, and therefore are helpless to prevent this practice. At the present time there is no law on the statute books prohibiting the sale of liquors to minors within the admiralty or maritime jurisdiction of the United States.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 431.

URGENT DEFICIENCY APPROPRIATIONS FOR THE MILITARY ESTABLISHMENT.

MARCH 27, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 13768.]

In presenting the accompanying bill, making appropriations to supply urgent deficiencies in certain appropriations for the Military Establishment for the fiscal year 1916, the Committee on Appropriations submits the following report in explanation thereof:

The bill is based on estimates submitted to Congress in House Document No. 935, of this session, aggregating in all $8,807,094.11.

The amount recommended in this bill is $8,611,502.11, distributed as follows:

Signal Service		$600,000.00
Quartermaster Corps:		
Pay	$1,577,017.42	
Mileage to officers	20,000.00	
Subsistence	753,141.00	
Regular supplies	667,483.08	
Incidental expenses	86,960.86	
Horses	1,529,000.00	
Barracks and quarters	31,300.00	
Transportation	1,355,447.25	
Water and sewers at military posts	60,110.50	
Clothing, and camp and garrison equipage	1,223,542.00	
		7,304,002.11
Medical Department		37,500.00
Ordnance Department:		
Current expenses	20,000.00	
Manufacture of arms	6,000.00	
Ordnance stores and supplies	644,000.00	
		670,000.00
Total		8,611,502.11

The foregoing sum is $195,592 less than the total of estimates considered by the committee.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 442.

FURTHER ADDITIONAL URGENT DEFICIENCIES.

MARCH 27, 1916.—Ordered to be printed.

Mr. FITZGERALD, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 13043.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows:

Omit the matter inserted and stricken out by said amendment.

And the Senate agree to the same.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

THOMAS S. MARTIN,
JOHN F. SHAFROTH,
F. E. WARREN,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, submit the following detailed statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

No. 1: Appropriates for miscellaneous expenses for the District of Columbia Supreme Court for the fiscal years 1911, 1914, and 1915, as proposed by the Senate.

Nos. 2, 3, 4, and 5, relating to the Bureau of Yards and Docks of the Navy Department: Appropriates $52,000 for maintenance, as proposed by the Senate; and strikes out the appropriations of $85,000 and $45,000, respectively, for contingent expenses and repairs and preservation at navy yards and stations.

No. 6: Appropriates $10,000, as proposed by the Senate, for roads, bridges, trails, etc., in the Platt National Park, Okla.

Nos. 7 and 8, relating to the Department of Justice: Appropriates 55 cents for miscellaneous expenses for the fiscal year 1912 and $6 for enforcement of antitrust laws for the fiscal year 1913, as proposed by the Senate.

No. 9: Appropriates $1,500, as proposed by the Senate, for the salary of the commissioner in Glacier National Park for the fiscal year 1916.

No. 11: Strikes out the paragraphs inserted by the Senate and House of Representatives, authorizing the payment of salary to Ewing C. Bland for services as United States marshal for the western district of Missouri.

Nos. 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, relating to United States courts: Inserts all of the appropriations proposed by the Senate for ascertained deficiencies in appropriations for fiscal years prior to the fiscal year 1916.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 443.

AMEND REVISED STATUTES RELATING TO PENSIONS.

MARCH 28, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SULLOWAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 6911.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6911) to amend section 4747 of the Revised Statutes relating to pensions, having fully considered same, report thereon without amendment with the recommendation that said bill do pass.

The committee begs leave to submit to the House the consideration which induced the committee to recommend the passage of the bill, which was unanimously agreed to.

The resolution has the indorsement of the Grand Army of the Republic, as will appear by the letter from Mr. John McElroy, editor of the National Tribune:

THE NATIONAL TRIBUNE,
Washington, D. C., March 15, 1916.

Gen. I. R. SHERWOOD,
Chairman Committee on Invalid Pensions,
House of Representatives.

DEAR GENERAL: At the last national encampment a resolution was adopted asking Congress to amend section 4747 of the Revised Statutes, to protect pension money from seizure.

The official report of the proceedings of that encampment are now in the hands of the Government Printer, and the resolution is not accessible. I, however, make the statement that such a resolution was adopted by the national encampment.

I make this statement as a member of the legislative committee of the Grand Army of the Republic.

Very respectfully,

JOHN MCELROY.

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Following is a copy of the letter addressed to Hon. W. B. Francis on December 21, 1914, forwarded to the committee upon request of the clerk:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, March 11, 1916.

Mr. DEWITT FISHER,
Clerk Committee on Invalid Pensions,
House of Representatives, Washington, D. C.

MY DEAR MR. FISHER: I inclose herewith, as requested, a copy of a letter addressed by the Commissioner of Pensions to Hon. W. B. Francis on December 21, 1914, relating to the amendment of section 4747 of the Revised Statutes.

The bill H. R. 5048, introduced by Mr. Francis in the Sixty-third Congress, seems to be identical with the bill H. R. 6911, introduced by Mr. Sulloway in the present Congress.

Very truly, yours,

T. FLETCHER DENNIS,
Law Clerk.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, December 21, 1914.

Hon. W. B. FRANCIS,
House of Representatives.

MY DEAR MR. FRANCIS: Answering your letter of December 11, which, for some reason escaped my attention until now, I beg to say that the bill introduced by you, H. R. 5048, to amend section 4747 of the Revised Statutes relating to pensions so as to secure to the pensioners the use and enjoyment of such pensions exempt from execution, meets my approval so far as the purpose of the bill is concerned.

I do not think it was ever the intention of Congress that the awards given to the old soldiers should be appropriated to benefit creditors. It may be argued that this is a favor, and so it is, but the answer to that is that the favor is deserved and the exemption is in line with the benefits conferred by the pension law.

Very sincerely,

G. M. SALTZGABER, *Commissioner.*

The following information was presented by Col. A. J. Gordon Kane:

PRECEDENTS IN LEGISLATION TO EXEMPT AND PROTECT PENSION MONEY.

[Compiled and prepared by Col. A. J. Gordon Kane, under the auspices of the Grand Army of the Republic, the United Spanish War Veterans, and other war veteran organizations.]

Precedents in legislation (American and foreign) in support of a bill to amend section 4747 of the United States Revised Statutes to exempt and protect pension money from seizure and attachment for the debts of a pensioner, and to extend the same measure of protection that was enacted by Congress to the pensions granted to the survivors and widows of soldiers and sailors of the War of the Revolution but omitted in the cases of veterans and widows of veterans of the Civil War and of the Spanish-American War.

A BILL To amend section forty-seven hundred and forty-seven of the Revised Statutes relating to pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-seven hundred and forty-seven of the Revised Statutes be, and is hereby, amended as follows: "And all money received by any person as a pension from the United States Government, whether the same shall be in the actual possession of such pensioner or deposited, loaned, or invested by the pensioner, shall, together with the interest accrued thereon, or the increments earned thereby, be exempt from taxation, or attachment, levy, or seizure under any legal or equitable process whatever; and any tax collector, bailiff, sheriff, marshal, constable, or other person receiving notice of the exemption of pension money, in conformity with the provisions of this act, who shall attach or attempt to attach, levy, seize, distrain garnishee, or sequestrate any pension money as aforesaid, or otherwise

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obstruct or molest any lawful pensioner of the United States in the peaceful use and enjoyment of a pension, upon any pretext whatsoever (excepting only the duly authorized officials lawfully executing the provisions of section forty-seven hundred and thirty-nine of the Revised Statutes or otherwise acting upon authority or instructions of the Secretary of the Interior) shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $500 and the costs of the prosecution for each and every offense; and it shall be the duty of the Commissioner of Pensions to transmit to every pensioner of the United States a copy of this act, in such manner as the Secretary of the Interior may direct."

PENSION MONEY, WHEN NOT EXEMPT FOR DEBTS, LIABILITIES, TAXES, ETC., BY ATTACHMENT OR SEIZURE.

Section 4747, United States Revised Statutes, provides "That no sum of money due, or to become due, to any pensioner shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension Office, or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner." This statute does not protect pension money after it has been received by the pensioner, or is deposited in a bank to his credit, by decrees in the courts of the following States, to wit, Maine, Massachusetts, Vermont, New Jersey, West Virginia, Kentucky, Indiana, Kansas, Ohio, and Tennessee. (Contra, Pennsylvania and Wisconsin.)

The United States Supreme Court also decrees that pension money is liable to seizure as opportunity presents itself.

Maine—The Supreme Court of Maine—Decree.—"When the pension check has come into the hands of the pensioner it is then at his free disposal, and its proceeds are liable to attachment, unaffected by section 4747, United States Revised Statutes." (Crane *v.* Linneus, 77 Me. Rep., 59.)

Massachusetts.—Pension money deposited in a bank in the name of the wife of the pensioner is the property of the pensioner and liable to attachment by his creditors. (Supreme Judicial Court, Spelman *v.* Aldrich, 126 Mass. Rep., 113.) Pension money is liable for pensioner's debts. (Kellogg *v.* Waite, 12 Allen's Mass. Rep., 529.)

Vermont.—Pension money deposited in a bank is attachable for the pensioner's debts. (Martin *v.* Hurlburt and the Rutland Savings Bank, 60 Vt., 364, Supreme Court.)

New Jersey.—Pension money, after it has come into the hands of the pensioner, is liable to seizure like any other funds of the pensioner. (Jardain *v.* Fairton Savings Fund, 44 N. J. Law Rep., 376.)

West Virginia.—Pension money not exempt from execution for debts of pensioners. (McFarland *v.* Fish, 34 W. Va. Rep., 548; Bank of Kingwood *v.* Murdock, 48 W. Va., 301.)

Kentucky.—Pension money is not exempt from liability for the pensioner's debts after it reaches the hands of the pensioner. (Johnson et al. *v.* Elkins, 90 Ky. Rep., 163.) Pension subject to garnsihment for the debts of the pensioner unaffected by the Federal statute. (Robion *v.* Walker, 82 Ky. Rep., 60.)

Indiana.—Pension money received by a debtor as a pension from the Federal Government stands upon the same footing as any other money he may have and is liable for his debts. (Faurotte *v.* Carr et al., Supreme Court, 108 Ind., 124.) Property purchased with pension money is liable to sale on execution. (Cavanaugh et al. *v.* Smith 84 Ind., 380.)

Kansas.—The Federal statute only protects pension money in transit. When the proceeds are in the hands of the pensioner it is subject to attachment. (Cranz *v.* White, 27 Kans. Supreme Court Rep., 319.)

Ohio.—Under section 4747, Revised Statutes of the United States, pension money is not exempt from liability for the pensioner's debts after it has come into his hands. There is no statute in Ohio exempting pension money in the hands of a pensioner from liability for his debts. (Fulwiler *v.* Infield, 6 Ohio Circuit Court Rep., 36.)

Tennessee—Decree.—That section 4747, United States Revised Statutes, deprives the pensioner of the protection under the Federal statute after the pension money has passed into the hands of other parties. (Pague *v.* Gibson, Supreme Court, 73 Tenn. Rep., 173.)

Pennsylvania.—Although there is no local statute exempting pension money in the pensioner's possession, the supreme court of the State decrees that, though a pensioner has deposited his pension draft in a bank and the proceeds placed to his credit subject to his check, the proceeds are not subject to attachment. Dictum of the court: "I feel very certain that the act of Congress (section 4747) meant to exempt pension money, or property representing pension money, in whatsoever form, in the hands of the

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pensioner, from liability for his debts; the declaration that it 'Shall inure wholly to the benefit of such pensioner,' following so closely upon the direction that it shall not be liable to attachment, indicates that its appropriation against the pensioner's consent to the satisfaction of his debts was not regarded by Congress as a disposition of its inuring to his benefit upon the principle noscitur a sociis. Hence that declaration is, to my mind, an unmistakable and emphatic exemption of it from liability to attachment by his creditors." (Rieff *v.* Mack, 160 Pa. State Rep., 265.)

Also, where a pensioner of the United States received a check for $1,642.60 (accrued pension for wounds), indorsed it and gave it to his wife, who drew the money and applied it to the purchase of real estate, taking title in her own name, said real estate is not liable to seizure and sale for the husband's debt upon a judgment rendered prior to the receipt of the pension money. (Holmes *v.* Tallada, Supreme Court, 125 Pa. State Rep., 133.)

Wisconsin.—Pension money remaining in the possession of the penisoner can not be seized on process against him for debt. (Section 4747, R. S. U. S., exempts the debtor.) (Folschow *v.* Werner, Supreme Court, 51 Wis. Rep., 85.)

The Supreme Court of the United States in 1901, on an appeal from "Error to the Supreme Court of Pennsylvania," upon section 4747, Revised Statutes, decree: "The statute quoted protects pension money only while in the course of transmission to the pensioner, but when the money has been paid to him it has inured wholly to his benefit and is liable to seizure as opportunity presents itself." Opinion by Mr. Justice McKenna.

The court was divided. Justices Shiras, White, and Peckham dissented. (McIntosh *v.* Aubrey, 185 U. S. Rep., 122.)

This decree of the highest court in America finally determines the question excepting only in those States where local statutes have been enacted to protect pension money, and in several States such legislation is broader and more stringent than the Federal statutes. This is notably so in New York, Connecticut, Iowa, Nebraska, Colorado, Oklahoma, and Washington State, and partly in Kansas.

New York.—Section 1393, Code of Civil Procedure, provides that "A land warrant, pension, or other reward heretofore or hereafter granted by the United States for military or naval services, a sword, medal, emblem, or device of any kind, presented as a testimonial for services rendered in the military or naval forces of the United States, or a State, and the uniform, arms, etc., used by a person in that service are also exempt from levy and sale by virtue of an execution, and from seizure for nonpayment of taxes or in any other legal proceeding, except that real property, purchased with the proceeds of a pension granted by the United States for military or naval services and owned by the pensioner or by his wife or widow, is subject (only) to seizure and sale for the collection of taxes. (In effect from Sept. 1, 1896.)

The validity of section 1393, Code of Civil Procedure, has been affirmed by the highest appellate court in the State, the Court of Appeals: Yates County National Bank *v.* Carpenter (119 New York Rep., 550-556). Again, in New York, the Supreme Court on section 1393 of the Code, dictum: "The object of this section of the Code is to secure the pensioner in the use and enjoyment of this gift of the Government and to prevent his creditors from taking it away. If, like a prudent man, the pensioner places his money in a bank where it will gain a little interest, it would be most unjust to make this act the ground of depriving him of that which the State intended that he should keep and enjoy." (Stockwell *v.* National Bank of Malone, N. Y. Supreme Court, 36 Hun., N. Y. Rep., 583.)

Iowa.—This State has enacted exceptionally stringent laws to protect pension money. The Code provides that "All money received by any person resident of this State as a pension from the United States Government, whether the same shall be in the actual possession of such pensioner or deposited, loaned, or invested by him, shall be exempt from execution or attachment or seizure by or under any legal process whatever, whether such pensioner shall be the head of the family or not." (Sec. 4305, McClain's Code, and chap. 23, Laws of 1884.) The proceeds and accumulations of pension money exempt from seizure. (Diamond *v.* Palmer, Supreme Court, 79 Iowa Rep., 578.) Section 4010, Iowa Code: Exempts real estate purchased with pension money, or the accumulations thereof, and the Supreme Court decrees that "Land purchased by the wife of a pensioner with the proceeds of pension money, is exempt from execution and levy for the pensioner's debts." (Farmer *v.* Turner, 64 Iowa, 690.) Also real estate purchased by a pensioner with pension money is exempt from levy and sale under execution (overruling prior decision); (Supreme Court, 81 Iowa Rep., 344). And "Property purchased by a pensioner with his pension money is exempt from the payment of his debts, and if he gives the money to his wife and she buys property with it, such property in her name is also exempt from the pensioner's debts." (Marquardt *v.* Mason, Supreme Court, 87 Iowa Rep., 136.)

Connecticut.—Section 907 of the General Statutes, exempts all pension money in the ssession of the pensioner, from attachment or execution. (Price *v.* Society for

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Savings, Supreme Court, 64 Conn. Rep. 362.) And by section 2315, the property of soldiers and sailors pensioned for wounds is exempt from taxation up to $3,000; other Civil War veterans up to $1,000 exempt.

Nebraska.—Civil Code, section 1530: That in addition to the exemptions now provided for by the Code of Civil Procedure, there shall also be exempt from levy and sale upon execution or attachment to every resident of the State of Nebraska, who became disabled in the service of the United States as a soldier, sailor or marine, all pension money hereafter received, and all property hereafter purchased exclusively therewith, not exceeding $2,000 in value (sec. 531B, Code of Civil Procedure.) (Dargan *v.* Williams, 66 Nebr., 1.)

Colorado.—All money received by any person resident of this State, as a pension from the United States Government, whether the same shall be in the actual possession of such pensioner or deposited, loaned, or invested by him, shall be exempt from execution or attachment or seizure by or under any legal process whatever, whether such pensioner be the head of the family or not. (Sec. 3631, Rev. Stats., Colo.)

Oklahoma.—"There shall also be exempt from levy and sale upon execution or attachment to every resident of this State who became disabled in the service of the United States as a soldier, sailor, or marine, all pension money hereafter received belonging to such soldier, sailor, or marine." (Sec. 3352, Laws of Okla.)

Washington.—"All money received by any citizen of the State of Washington as a pension from the Government of the United States, whether the same be in the actual possession of such person or be deposited or loaned by him, shall be exempt from execution, attachment, or seizure by or under any legal process whatever." (Sec. 566, Remington & Ballinger's Annotated Codes and Statutes of Washington; and see also Laws, '99, p. 88, sec. 1, and H. C. sec. 487.)

Kansas.—The Code provides, "That the money that may have been received by any debtor as pensioner of the United States, within three months next preceding the issuing of an execution or attachment or garnishment process, can not be applied to the payment of the debts of such pensioner, when it is made to appear by the affidavit of the debtor or otherwise, that such pension money is necessary for the maintenance of a family supported wholly or in part by said pension money. The filing of the affidavit by the debtor, or making proof as above provided, shall be prima facie evidence, and it shall be the duty of the court, in which proceedings is pending, to release all moneys held by such attachment or garnishee process, immediately upon the filing of such affidavit, or the making of such proof." (Sec. 3092, Gen. Stats., Kans.).

The Kansas statute above quoted has been very severely criticized, and justly so, for the reason that, while it is nominally intended to protect a pensioner, the language of the statute suggests and promotes litigation, and the average pensioner, unless he be a "person learned in the law," must, of necessity, employ counsel to defend himself from the loss of his pension money. This often involves expense and tedious delays while the pension money is tied up, and the pensioner deprived of its benefit. Again, the pensioner must have a family to support out of the pension money; no matter what his own necessities are, he himself is not entitled to exemption. It has been well argued that the statute creates an unjust discrimination. It should be amended or repealed.

Revolutionary War pensions.—An absolute exemption from attachment, levy, or seizure was granted by Congress to the officers, soldiers, sailors, and widows of the same. In the act of May 15, 1828, granting full pay to certain survivors of the War of the Revolution, section 4 of said act enacts that the pay allowed by this act shall not be liable to attachment, levy, or seizure by any legal process whatever (4 Stat. L., 270); and also by "An act supplementary to the act for the relief of certain surviving officers and soldiers, etc., of the Revolution, granting full pay for life." Section 3 enacted that the pay hereby allowed shall not be in any way transferable or liable to attachment, levy, or seizure by any legal process whatever, but shall inure wholly to the personal benefit of the officer, noncommissioned officer, soldier, etc., entitled to the same. (Approved June 7, 1832, 4 Stat. L., 539).

The Supreme Court of North Carolina, citing the act for the relief of certain widows of officers and soldiers of the Revolutionary Army, in Powell *v.* Jennings, decree by Chief Justice Nash, "The object of the act can not be mistaken; it was to secure to the widows of those, by whose sufferings and valor, the liberties we are now enjoying were secured—a provision for the few years they remain here. So anxious were they (Congress) to effectuate this purpose that they exempt the pension from any liability to the debts of the pensioner. The act being for the protection of those who are poor and needy, should receive a construction as will carry out the benevolent intention of the donors of this bounty, such a construction as is consistent with the words, and as will suppress the mischief—the mischief of preying upon the necessities of the poor." (48 N. C. Supreme Court Rep., 547.)

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In February, 1836, the Supreme Court of Vermont (on appeal from a county court) held, that "a pension (it is well argued) is a gratuity from the Government, and is intended for the support and comfort of the pensioner, and creditors have no equitable claim to the same." This referred to the acts above cited, Revolutionary War pensions (Adams *v.* Newell, 8 Vt. Rep., 190.)

The United States Supreme Court, in Walton *v.* Cotton et al., citing the act of June, 1832, above quoted, and the act of July 4, 1836, giving half-pay pensions to certain widows of the Revolutionary War (Mr. Justice McLean delivering judgment): "A pension is a bounty of the Government arising from personal considerations of gratitude for services rendered, and is not liable to the claims of creditors. There can be no doubt that Congress had a right to distribute this bounty at their pleasure, and to declare that it should not be liable for the debts of the beneficiaries." (19 Howard, U. S. Sup. Ct., 355.)

In addition to the exemption declared by North Carolina, it is shown by the foregoing decrees that both the Supreme Court of the United States and the Supreme Court of Vermont held, that the Revolutionary War pensions were exempt from seizure and the pensions of the Civil War veterans and their widows are not exempt. The services of the Civil War veterans and the spirit of State and congressional legislation for their protection in their old age assuredly forbids the unjust discrimination against them in respect of the inviolability of their pensions. Great hardship and distress in numerous, almost countless, instances have occurred and are still occurring where pension money awarded by the Federal Government and Congress to deserving war veterans and their widows has been lost to the pensioners. Cases have been reported where pension money (in various States of the Union) has been attached for debt and taxes, to await the result of tedious and expensive litigation. Assurances, however, have been quite recently given by members of both the Senate and House of Representatives that further legislation will be enacted to extend the same measure of protection to the veterans and widows of veterans of the Civil War, and Mexican, Spanish, and Indian Wars, etc., that have been granted to the survivors and widows of the War of the Revolution; and in view, therefore, of the expectation that Congress will respond to our appeal, the statement of facts and laws applicable thereto herein set forth have been compiled, and we ask all surviving comrades whom this statement shall reach to promptly respond. If a few of the organizations will assist, then the closing session of the Sixty-fourth Congress should see a measure of protection and relief on the statute books.

PENSION MONEY PROTECTED IN EUROPEAN COUNTRIES.

An examination of all the codes of the principal nations in Europe prove that with one solitary exception only, every Government has enacted in some measure that pensions to survivors of the military and naval forces and their widows are exempt from seizure or attachment for the debts of the pensioners in the following-named countries: Great Britain and Ireland, France, Belgium, Italy, Spain, Austria-Hungary, Germany, and Switzerland (Holland only excepted). The following is an act of the British Parliament, enacted August 1, 1807, entitled "An act for the more convenient payment of half-pay and pensions to officers and widows of officers, etc.":

"SEC. 5. *And be it further enacted*, That all and every such sum or sums of money, to be paid under the provisions of this act, shall be fully and completely paid to the person in whose favor they shall so respectively be drawn or made payable without any deduction or abatement, or any fee or reward whatever, under any pretense whatsoever; and every person detaining or withholding any part thereof, under pretense of privilege or usage of office, shall for every such offense forfeit and pay the sum of £50, to be recovered with treble costs of suit by any action of debt, bill, plaint, or information in any of His Majesty's courts of record, one-half of which shall go to the person injured and the other half to the person who shall sue for the same (Statutes at Large, United Kingdom of Great Britain and Ireland, 47 George III, session 2, chap. 25).

Under the foregoing act pensions are exempt from process to recover on debts due by a pensioner. (See Lloyd *v.* Cheetham, 3 Giffard's Chancery Reports, 171.) Cheetham was formerly an army captain, and was granted a pension for wounds and service at the rate of £220 sterling a year, and Loyd, a creditor, proceeded in chancery to attach the pension in the pensioner's possession. The action was dismissed with costs in the High Court of Chancery, under the act of Parliament quoted above.

The laws of the European countries (in addition to Great Britain) exempting pension money from process after it has reached the hands of the pensioner are generally confined to certain restrictions in levying an execution of judgment. The pension laws themselves usually end with the provision for payment to the pensioner. The fate of the pension money, the restrictions as to its attachments and its exemptions

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from levy are provided for generally in codes of civil procedure and in special laws governing the subject. The search made among the laws of the European countries reveals the following special provisions within the respective countries mentioned.

ITALY.

Section 591 of the Codice di procedura civile provides that the stipendium and pensions owed by the State can not be seized except in the cases and in the manner provided by special law.

The law of July 7, 1902, No. 276, relating to the nonsequestrability of pensions, provides (art. 2) that only one-fifth of the pension can be seized where the debt owed by the pensioner is due to the State (for imposts, or taxes, or for other debt), and one-third where the debt arises out of the obligation of family support of the pensioner, but that in both cases the amount subject to attachment can not exceed one-half of the pension. Article 3 provides that those receiving a pension in excess of 100 lire per month can not assign more than one-fifth of their pension income, nor for a period of time greater than five years.

SPAIN.

Article 1447 of the Ley de enjuiciamiento civil of February 3, 1881, shows that in Spain pension moneys are not entirely exempt from levy on execution of judgment. The order of execution shall cover, first, specially mortgaged property, money, public securities, jewelry, liquid credits, products and rents, live stock, personal property, real property, and it is then provided that salary or pensions may be levied upon; that is to say practically all other property must be exhausted before the pension is seizable.

Article 1451, however, makes the special provision that in cases in which a pension is to be attached only one-fourth is attachable if it is less than 2,000 pesetas per year, one-third part if from 2,000 to 4,500 pesetas, and one-half if it exceeds 4,500 pesetas a year.

SWITZERLAND.

Article 92 of the Bundesgesetz über Schuldbetreibung und Konkurs of April 11, 1889, which relates to the exemptions from levy on execution of judgment, provides in section 8 that the pension of a citizen or his heirs where he has been pensioned for accident either in the federal or cantonal military and police service is exempt.

Article 93 provides that pension income (besides other forms of income, specially mentioned) shall be exempted by the sheriff to the extent that it is absolutely necessary for the immediate support of his family.

Article 15 of the federal law of June 28, 1901, provides that pension money for military service can not be seized, sequestered, nor compromised within the funds subject to bankruptcy; the right to these pensions can not be assigned nor pledged; there can be no action against them.

AUSTRIA.

Section 1 of the law of April 21, 1882 (Reichsgesetzblatt, 1882, p. 487), provides that all persons deriving an income from the State, which includes persons drawing military pensions, shall have 800 florins per year of this income free from levy on execution of judgment. This provision relates to the permanent annual incomes.

Section 3 makes provisions for certain special payments made to the persons provided for in section 1, derived from various funds, sickness, invalidity, etc., and provides further that these latter special sources of revenue shall be free from all levy on execution.

Hungary practically the same as in Austria.

GERMANY.

Germany makes a difference between the pensions of officers and privates. Article 850 of the Civilprozess-Ordnung provides exemption from execution for the following: The pensions of widows and orphans, and the income of army officers, military physicians, and other officers, and the pensions of these persons after their retirement from the service, with the proviso that if the pension exceeds 1,500 marks per year the third part of the excess may be levied against.

Section 40 of the act of May 31, 1906, making provision for the support of soldiers, provides that these moneys shall be free from execution. This section covers those who have left the service, if their capacity is diminished wholly or by 10 per cent in consequence of an injury incurred in the service.

From a note to section 850I conclude that pensions of all kinds are only subject to levy or attachment to the extent that they exceed 1,500 marks per year.

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FRANCE AND BELGIUM.

The provisions of law on this subject are the same in France and in Belgium.

Section 580 of the French Code de procédure civile provides that salary and pension due by the State can not be seized except to the extent determined by the laws or decrees of the government.

These laws provide (law of 22 flor., year 7, art. 7) that pensions due from the State are not seizable; creditors of the pensioner can only exercise their rights after the death of the pensioner.

The law of April 11, 1831, article 28, provides that army pensions can not be seized except in the case of a debt due to the State, and under certain circumstances of obligations of support to the family of the pensioner. In the two exceptions the seizable portion is one-fifth of the pension when the debt is due to the State, and one-third when due to the family of the pensioner.

The coordinate section (sec. 580) of the Belgian code of civil procedure and the law of March 30, 1861, article 18, make similar provisions with relation to pension money.

(The statutes above recited in the nations of Continental Europe, were extracted, and the translations into English made by the law Librarian of Congress, Mr. E. M. Borchard, upon the request of the Hon. W. L. Jones, United States Senator from Washington State.)

The facts and precedents quoted above clearly prove the urgent necessity of enacting some measure of protection and exemption from seizure and sequestration of the pension money granted by Congress (and omitted) to the survivors and widows of the Civil War and other wars now on the pension roll, and which was given to the survivors and widows of the veterans of the War of the Revolution, presumably upon the precedents and custom in practically all the great nations of Europe, and now only protected by local statutes and codes in the States of New York, Connecticut, Iowa, Colorado, Nebraska, Oklahoma, and Washington, and partly in Kansas.

There should be one uniform enactment throughout the entire conntry. That Congress has ample authority and precedent to enact such legislation is shown by a decision of the United States Supreme Court in the Revolutionary War pensions. Decree of the court by Mr. Justice McLean: "There can be no doubt that Congress had a right to distribute this bounty at their pleasure and to declare that it should not be liable for the debts of the beneficiaries." (Walton *v.* Cotton et al., 19 Howard, U. S. Supreme Court Reports, 355.)

Read and approved by Judge Geo. C. Ross, late Commander Department of the Potomac, Grand Army of the Republic: by Capt. F. P. B. Sands, late United States Navy, and by Capt. Thos. H. McKee, recorder of the District of Columbia Commandery Militay Order Loyal Legion, and registrar in chief of the order, advisory committee.

The following information was presented by Senator Carroll S. Page, of Vermont:

UNITED STATES SENATE,
March 20, 1916.

Hon. ISAAC R. SHERWOOD,
Chairman Committee on Invalid Pensions,
House of Representatives, Washington, D. C.

DEAR GEN. SHERWOOD: In response to a suggestion from Lieut. Col. A. J. Gordon Kane, I address you regarding the bill H. R. 6911, introduced by Representative Sulloway on January 4, 1916, relative to the attachment by the courts of money paid to pensioners of the United States Government.

On April 21, 1913, I presented to the Senate a resolution of the Legislature of Vermont favoring the so-called Francis amendment to section 4747 of the Revised Statutes, relating to the attachment of pensions of United States soldiers and sailors, under any legal or equitable process.

During the first session of the Sixty-third Congress I introduced in the Senate the bill S. 1875, which was identical in language and purpose with that introduced by Mr. Francis December 10, 1912, H. R. 27014. I understand that Mr. Sulloway's bill now pending in your committee is a duplicate of the Francis bill and that introduced by me.

My reason for addressing you is because of the fact that Col. Kane has seemed to believe that an expression of my interest in the passage of the Sulloway bill, because of the action of the Vermont legislature above referred to, would be helpful.

I now recall that at the time I introduced the bill S. 1875, at the request of Col. Kane, his statements favoring the proposed legislation impressed me as sound, and I have seen no reason thus far to change that opinion.

Very cordially, yours,

C. S. PAGE

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 447.

FEDERAL RESERVE ACT.

MARCH 28, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GLASS, from the Committee on Banking and Currency, submitted the following

REPORT.

[To accompany H. R. 13391.]

The Committee on Banking and Currency, to which was referred the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section having to do with branch banking, reports the bill favorably with the following amendments:

On page 1, line 10, strike out the colon after the word "countries" and insert after the word "countries," in line 10, the word "exclusively," followed by a colon.

One page 2, line 4, strike out the word "special."

On page 2, line 7, strike out the colon after the word "Board" and insert a comma, and insert after the word "Board," in line 7, the following: "and the said board is hereby empowered and directed to make regulations for the conduct of such foreign business for each foreign country where such business is to be conducted," to be followed by a colon.

On page 2, line 13, strike out the words "be regulations."

On page 2, line 13 strike out, after the word "provide," the period and insert the following: "for the foreign country wherein such business is to be conducted."

On page 2, line 15, strike out the word "limitations" and insert in lieu thereof the word "regulations."

On page 3, lines 3 and 4, strike out the words "shall request" and insert in lieu thereof the words "may direct."

On page 3, strike out all of lines 13 to 24, inclusive.

The purpose of this bill is to amplify the provisions of section 25 of the Federal reserve act, authorizing national banking associations to establish branches in foreign countries or dependencies of the United States for the furtherance of the foreign commerce of the

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United States. Said section 25 of the Federal reserve act provides that such branches may be established by any national banking association possessing a capital and surplus of $1,000,000 or more; and under this provision six branch banks have been established in Central and South American countries, two by the Commercial National Bank, of Washington, D. C., and four by the National City Bank, of New York. It is suggested by the American Bankers' Association and by the Federal Reserve Board that the organization of banks to do business in foreign countries would be greatly facilitated by permitting national banks with a capital and surplus of $1,000,000 or more to subscribe to the capital stock of foreign or domestic corporations authorized to do a banking business in foreign countries exclusively under reasonable restrictions and regulations prescribed by the Federal Reserve Board. The high international commissioners from the United States to the Pan American Congress, now about to convene at Buenos Aires, likewise urge this amplification of section 25 of the Federal reserve act and express the opinion that such an enactment will be of material aid in the movement to expand the commerce of this country with foreign nations, especially with Central and South American countries.

It is represented that few national banks have sufficient strength in themselves to enable them to enter the field of foreign banking by means of branches or to command enough business to make branches pay. This being so, it is urged that the foreign banking business may become concentrated in the hands of a few large national banks or private banking firms. The proposed amendment would enable a number of banks in the United States, unable alone to enter the field of foreign banking, to join in the establishment of a bank or banks to do this business and, by cooperation, to furnish sufficient capital and support to maintain and carry on the business and promote the foreign trade of this country generally.

The second paragraph of the bill deals with the establishment of local branch banks by national banking associations possessing a capital and surplus of $1,000,000 or more and located in a city or incorporated town of more than 100,000 inhabitants. There has been quite an insistent demand by national banks throughout the country for such legislation upon the ground that they are put at a serious disadvantage by State banks and trust companies which are authorized by the statutes of their respective States to establish branches even without the restrictions which this bill proposes for national banks. The Committee on Banking and Currency thinks it would not only be equitable to authorize national banks to establish local branches in the larger cities of the country, as proposed by this bill, but that some such legislation is essential.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 447. Part 2.

TO AMEND THE FEDERAL RESERVE ACT.

APRIL 3, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LINDBERGH, from the Committee on Banking and Currency, submitted the following

MINORITY VIEWS.

[To accompany H. R. 13391.]

Mr. Lindbergh submitted the following minority views on House bill 13391:

Though in some measure the bill might aid foreign commerce, it is objectionable in other respects, because it would further concentrate the banking powers and ultimately squeeze out the smaller banks in many sections of the country. The last paragraph of the bill would strongly tend to monopoly.

No bill should be passed by Congress that will divert American funds into foreign countries as long as the Wall Street rates of interest are 1 to 2 and 3 per cent, while the legitimate agricultural, industrial, and business interests of the country at large pay from 6 per cent and upward. Much of the deposits the people place in the banks are concentrated into the large cities, and especially New York, and from these loaned into the hands of speculators, who exploit the people. This bill, if it becomes law, would be one further step toward creating a world monopoly in the banking business. No one can read the bill in connection with existing banking and currency laws without coming to that conclusion.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 448.

CURRENCY ACT OF MARCH 4, 1900.

MARCH 28, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GLASS, from the Committee on Banking and Currency, submitted the following

REPORT.

[To accompany H. R. 13474.]

The Committee on Banking and Currency, to which was referred the bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911, with amendments thereto, reports the bill with an amendment, page 2, line 1, and page 2, line 12, striking out "one-half" and inserting "two-thirds" in each instance, thus fixing the amount of gold bullion and foreign coin which must be held in the Treasury of the United States against the amount of outstanding gold certificates at two-thirds rather than at one-half, as proposed by the bill, or one-third, as prescribed by the existing statute. The reason for the proposed alteration in the existing statute was given in a letter from the Secretary of the Treasury to the Speaker of the House on the 4th of March of this year, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 4, 1916.

SIR: I submit herewith for your consideration the draft of a proposed bill, the object of which is to permit the holding of a larger proportion of gold bullion and foreign gold coin as a reserve against gold certificates than is at present authorized under the provisions of section 6 of the currency act of March 14, 1900, as amended by the act of March 2, 1911.

This act permits the issuance of gold certificates against gold bullion and foreign gold coin to the extent of one-third of the total gold certificates outstanding, the other two-thirds being secured by gold coin stored in the vaults of the Treasury Department.

There is at present a total of gold coin so held amounting to approximately $1,000,000,000 and the amount of gold bullion held as a reserve against gold certificates has reached the prescribed one-third owing to the heavy influx of gold since the commencement of hostilities in Europe.

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The Treasury is placed in the position of having to coin upward of $100,000,000 in order to offset the bullion receipts, and the expense of such coinage is deemed totally unnecessary when one considers that the amount of gold coin used as a circulating medium is infinitely small compared to the stock of gold coin stored in our valuts. Again, under the present provisions, it will be necessary to immediately turn into coin all further bullion received, or at least two-thirds of it, to permit the issuance of additional gold certificates with which to pay for the bullion as payment is almost invariably requested in certificates.

The cost of coining $100,000,000 in gold is approximately $125,000, and there is no actual demand for such additional coin for any purpose other than to store it in our vaults to be held as a basis for further issue of gold certificates. It might just as well be stored in the form of fine gold bars, thus eliminating the expenses of coining it.

The bill I am submitting to you, if enacted, would permit the increase of our bullion reserve and eliminate the necessity of further coinage of gold to be stored as a reserve against gold certificates until such time as the amount of bullion so held equaled the amount of coin held, thereby effecting a considerable saving.

Another phase which has a direct bearing on this situation is that when gold is wanted for export purposes the demand is invariably for fine gold bars, and the enactment of the proposed bill would permit us to accumulate a good stock of such bars.

Respectfully,

W. G. McAdoo, *Secretary*.

To the Speaker of the House of Representatives.

The Director of the Mint likewise states that the disuse by the public of gold coin in current business transactions has rendered the requirements of the act which this bill proposes to amend totally unnecessary and unreasonable; hence the Banking and Currency Committee thinks it would be indefensible for the Treasury Department to expend $125,000 merely to conform to an obsolete provision of the act in question.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 449.

BRIDGE ACROSS FOX RIVER, ILL.

MARCH 28, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 12775.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 12775) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

There is also attached and made a part of this report a letter from the Illinois Rivers and Lakes Commission.

WAR DEPARTMENT,
March 20, 1916.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that H. R. 12775, Sixty-fourth Congress, first session, granting the consent of Congress to George Fabyan to construct a bridge across the Fox River at or near Geneva, Kane County, Ill., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

STATE OF ILLINOIS,
RIVERS AND LAKES COMMISSION,
Chicago, March 16, 1916.

UNITED STATES DISTRICT ENGINEER, *Chicago, Ill.*

SIR: With reference to the application of George Fabyan for permit for the renewal of the wood truss bridge over the left channel of the Fox River between the east bank and Island No. 195, situated in section 10, township 39 north, range 8 east, of the third principal meridian, Kane County, Ill.

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The Illinois Rivers and Lakes Commission, without attempting to pass on the legality or the right of the applicant to erect the proposed structure, offers at this time no objection to the construction of said bridge, conditioned upon the following:

1. The structure shall have an opening between abutments of 196 feet supported on three piers, each to be not wider than 4 feet 6 inches. The elevation of the lowest point of the clearance line of the superstructure to be not lower than elevation 677.75, Memphis datum. The elevation of the clearance line at the center pier shall not be less than 680.17. The superstructure shall not be anchored to the piers and abutments.

2. Whenever, in the opinion of the said Illinois Rivers and Lakes Commission, said structure, or any part of the same, interferes with navigation or works designed for navigation, or when any part of said structure interferes with flood discharge or land drainage, the permittee, or his heirs or assigns, shall, at his own expense, remove all or any portion of the aforesaid structure as may be required by the said commission.

3. The existence of the work is further subject to the authority of the United States governing the removal of obstructions in United States navigable streams.

ILLINOIS RIVERS AND LAKES COMMISSION.
ARTHUR W. CHARLES, *Chairman.*
L. K. SHERMAN.

Attest:

CHARLES CHRISTMANN, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 451.

TO RESTORE HOMESTEAD RIGHTS IN CERTAIN CASES.

MARCH 29, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCCLINTIC, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 8492.]

The Committee on the Public Lands, to which was referred the bill (H. R.8492) to restore homestead rights in certain cases, reports the same to the House and recommends that the bill be passed as amended.

The committee unanimously agrees that the bill shall be amended as follows, which corresponds with the recommendations made by the Secretary of the Interior. Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

That from and after the passage of this act any person who has heretofore entered under the homestead laws, pursuant to purchase by competitive bid for a price equivalent to or greater than $5 per acre, lands embraced in a ceded Indian reservation, shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry, or whose former entry was canceled for fraud.

In the past, certain laws referring to the sale of Indian lands have been enacted requiring purchasers to acquire possession of these lands at public sale as the highest bidder, also requiring actual residence, cultivation, and all the requirements of the homestead laws. Certain lands in the Kiowa, Comanche, and Apache reservations were sold in accordance with the act approved June 5, 1906, (34 Stats. L., p. 214), and the act approved June 28, 1906 (34 Stats. L., p. 550).

This bill will give those who have purchased their lands at a public sale in competition with the entire public and lived up to the terms of their contract with the United States Government the right of making a homestead entry if their land was purchased at a price exceeding $5 per acre.

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The following report has been made by the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, February 1, 1916.

DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 8492, a bill to restore homestead rights in certain cases.

On January 7, 1916, I submitted a report upon H. R. 401, a bill designed to secure the same end, stating that I was not convinced that the legislation is warranted by the facts before me, but that if enacted the bill should be amended in certain respects.

Upon further consideration of the subject, in connection with H. R. 8492, and of the fact that in many instances where lands in former Indian reservations were disposed of by competitive bidding, either at public auction or through sealed bids, prices varying from $5 to more than $30 an acre have been paid, thus imposing upon the entrymen a heavy financial burden in addition to the added requirement that he meet the provisions of the homestead laws, it would seem that such transactions were really more in the nature of sales for the benefit of the Indians, and in cases where so large a payment was made, it may be equitable to accord to such purchasers who have completed the payments the right to make other entries, if otherwise qualified.

I have therefore caused to be drafted a tentative form of measure, which I herewith submit and recommend be substituted for H. R. 401 and H. R. 8492, and to the enactment of which I know of no valid objection.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

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34TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 454.

PATENT APPLICATIONS.

MARCH 30, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. OGLESBY, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 13720.]

The Committee on Patents, to whom was referred House bill 13720, respectfully report that they have had the same under consideration and recommend that the bill be passed.

The bill proposes to amend section 4894 by adding thereto the following:

"*Provided, however,* That no application shall be regarded as abandoned which has become the property of the Government of the United States and with respect to which the head of any department of the Government shall have certified to the Commissioner of Patents, within a period of three years, that the invention disclosed therein is important to the armament or defense of the United States."

The purpose of the amendment is to permit the Government to hold in patentable status applications for such patents as it might desire to keep secret and with full protection from the consideration of conflicting applications by others.

The result of its enactment will not keep secret patents issued by the Government, nor will it relieve the Government in any manner from the strict rules of the office against additions or changes in applications which would result in incorporating new matter into them. It would confer no benefit whatever upon the Government which is not now enjoyed by any applicant who for any reason has succeeded in keeping his application alive in the office for a number of years. It merely relieves the Government from the requirement of the statute under which applications must be brought up for action at least once in each year to escape the holding of abandonment.

The amendment is so drawn as to limit its benefits to the United States and only to the United States in matters relating to national defense.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 455.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

MARCH 30, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TILLMAN, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 1388.]

The Committee on the Public Lands, to whom was referred the bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association, beg leave to report it back to the House with the recommendation that the bill do pass.

Amend by inserting after the word "water," in line 4, the words "for five tubs."

Amend by adding after the word "prescribe," in line 8, the following: "*Provided*, That said hospital association shall, upon request of the superintendent of the Hot Springs Reservation or his duly authorized representative, immediately after being notified, send an ambulance or conveyance for, and accept and treat without charge therefor, any emergency patients so sent to the hospital for treatment."

With the amendments above shown, your committee is of the opinion that this bill should be enacted.

The Leo N. Levi Memorial Hospital Association is a charitable organization and conducts a charitable hospital and sanatorium at Hot Springs, Ark., and makes use of the water of the hot springs, paying the Government therefor at the rate of $60 per tub per annum.

Inasmuch as this is a charitable institution, and inasmuch as it was thought that the amendments would properly safeguard the measure, the committee feels that the bill should pass.

The second amendment was submitted to the hospital association, and it has agreed to accept the amendment, as shown by the letter from the secretary of the association, attached herewith.

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The bill as amended is approved by the Secretary of the Interior, and his report to the Committee on Public Lands of the Senate is printed herewith. It is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands United States Senate,
Washington, D. C.

MY DEAR SENATOR: Your letter of December 17, 1915, has been received, inclosing, with request for report thereon, Senate bill No. 1388, "To authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association." The bill in question is in terms as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized to supply a sufficient quantity of hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes to the Leo N. Levi Memorial Hospital Association without cost or charge therefor, under such rules and regulations as he may prescribe."

The act approved June 3, 1912 (37 Stat., 121), entitled "An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots numbered 3 and 4, block numbered 114, in the city of Hot Springs, Ark.," provides:

"That the exclusive right to use, occupy, and enjoy the possession of all of lots numbered three and four, in block numbered one hundred and fourteen, in the city of Hot Springs, Arkansas, is by this act granted to the Leo N. Levi Memorial Hospital Association, a corporation organized under the laws of the State of Arkansas, for the purpose of erecting and maintaining thereon a suitable and sightly building for the use of the said corporation. The rights and privileges granted under this act shall continue as long as the property is used and occupied for the purposes mentioned in this act, subject, however, to the following conditions and limitations, namely, that unless said Leo N. Levi Memorial Hospital Association shall within five years after the passage of this act erect and equip a suitable and sightly building for the purposes above mentioned, or if said Leo N. Levi Memorial Hospital Association shall at any time hereafter use or permit the premises to be used for any other purpose than that herein granted, then and in either event all the rights, privileges, and powers by this act granted and conferred upon said association shall be forfeited to the United States.

"SEC. 2. That upon compliance with the conditions and requirements of section one of this act by said corporation the Secretary of the Interior, in his discretion, is hereby authorized to lease the said association a sufficient quantity of hot water to accommodate said association for all drinking purposes, and to supply not more than five bathtubs, under such rules and regulations as he may prescribe; and all improvements made upon said property shall be subject to the approval of the Secretary of the Interior.

"SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Subsequent to the enactment of the foregoing legislation the corporation called attention to the fact that the hospital to be maintained by the association was purely a charitable institution; that no charge would be made for baths, and it would therefore be a hardship to require it to pay the usual rate of $60 per tub per annum. In response thereto the department held that the provisions of section 2 of the act of June 23, 1912, supra, were mandatory and would not permit the association to receive the water from the springs without paying therefor. Accordingly the association has been paying for water supplied the bathhouse connected with the hospital since November, 1914, for five tubs, at the rate of $60 per tub, aggregating in all $300 per annum. Therefore the remission of this charge for hot water is sought to be secured through the medium of the legislation now under consideration.

The bill was referred to the superintendent of the Hot Springs Reservation for report, who suggests the following amendments thereto:

After the word "water," in the fourth line, insert the words "for five tubs."

After the word "prescribe," in the eighth line, insert the following: "*Provided*, That said hospital association shall, upon request of the superintendent of the Hot Springs Reservation or his duly authorized representative, immediately after being notified, send an ambulance or conveyance for, and accept and treat without charge therefor, any emergency patients so sent to the hospital for treatment."

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The first amendment is to limit the quantity of hot water to be supplied to the number of bathtubs provided for in the plans for the bathhouse that have been approved by the department under the act of June 3, 1912, supra. As to the second amendment the superintendent states:

"That this amendment to the bill is intended particularly to meet emergency cases; for instance, when a person falls down on the reservation from sickness or exhaustion, or both, and needs immediate treatment, we have no place where cases of that kind can be sent, and this amendment would supply a place to meet such emergency. Occasionally a case of this kind occurs at the Government free bathhouse, where a person might need immediate attention in order to save a life, and if this office had such an arrangement it would be very beneficial, both as a convenience and from a charitable and humanitarian standpoint. It must be understood that we have few of these cases. I do not know that we have had one in the last four or five months, and the amendment will in no manner work a hardship or imposition upon the hospital association.

"In the event this bill was passed with the proposed amendment, it would not necessarily be a precedent, as the accommodations furnished at the Levi Memorial Hospital would be sufficient to meet the emergencies or demands arising on the reservation for hospital services of this character, and it would not be considered necessary to make a similar arrangement with any other institution that might apply, unless conditions warranted such course."

The amendment in question was called to the attention of the corporation and, as will be seen by the attached copy of a letter dated January 8, 1916, has received its approval.

If the bill is amended as suggested herein, I have no objection to interpose to its enactment into law.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

OFFICE OF SECRETARY,
LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION,
Hot Springs, Ark., January 8, 1916.

Hon. W. P. PARKS,
Superintendent United States Reservation, City.

DEAR SIR: After careful consideration, the board of managers of the Leo N. Levi Memorial Hospital decided to approve the amendment proposed by you to S. 1388 with the omission of the words "or other," the amendment to read as follows:

"*Provided*, That said hospital association shall, upon request of the superintendent of the Hot Springs Reservation, or his duly authorized representatives, immediately after being notified, send an ambulance or conveyance for, and accept and treat without charge therefor, any emergency patients so sent to the hospital for treatment."

The board hesitated at first to approve your amendment for fear that the term "emergency patient" might, in the future, be interpreted to the disadvantage of the institution, and this will account for the delay in replying to your communication of the 5th instant. After due consideration, however, the board, relying upon the fairness of your office and of the Department of the Interior, sees no reason for objection to your amendment and decided to approve it.

With many thanks to you and the department for the interest displayed on behalf of our hospital, I am,

Sincerely yours,

(Signed) A. B. RHINE, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 456.

SECTION 73 OF THE JUDICIAL CODE.

MARCH 30, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. NEELY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 13765.]

The Committee on the Judiciary, having had under consideration the bill (H. R. 13765) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, report the same back to the House with the recommendation that the bill do pass.

This measure as originally introduced was H. R. 22. A subcommittee gave the bill a full hearing and careful investigation, and at its suggestion the bill was amended somewhat as to details, and as so amended was reintroduced as H. R. 13765.

At the present time the State of Colorado is one district. Terms of court are now held in Denver, Pueblo, and Montrose, and the purpose of this bill is to establish an additional term of court in the city of Durango, in southwestern Colorado.

There was submitted to your committee a resolution of the board of county commissioners of La Plata County, Colo., in which the said city of Durango is located, guaranteeing to furnish court room for the holding of said term of court, including fuel, light, heat, and janitor services, free and without any expense to the Government, until such time as a public building may be constructed in that city. A public building at that city was authorized by Congress some four years ago. There was also submitted a very complete and satisfactory statement from the bar association of southwestern Colorado, giving in detail their reasons for the creation of this term of court. That statement is herewith submitted, and it appears to your committee conclusive that the bar and inhabitants and business interests generally of southwestern Colorado are eminently entitled to a term of the Federal court for that part of the State, and that the interests of the Government will also be promoted thereby. The committee, therefore, earnestly recommends the passage of this measure.

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The said resolution of the said board of county commissioners and the statement of the bar association of southwestern Colorado are herewith submitted, as follows:

RESOLUTION.

Whereas there is now pending before Congress a bill (H. R. 22) to amend the laws relating to the judiciary and to establish a term of the Federal court in the city of Durango, La Plata County, Colo.: Now therefore be it

Resolved by the board of county commissioners of said La Plata County, That in consideration of the passage of said bill and establishing a term of the Federal court in the city of Durango, La Plata County, Colo., said La Plata County hereby agrees to furnish court room for the holding of said term of court, including fuel, light, heat, and janitor service, free and without expense to the Government, until such time as a public building may be constructed in the city of Durango.

Passed and approved this 10th day of March, A. D. 1916.

A. E. REECE, *Chairman.*

Attest:

OLIVE ORME, *County Clerk.*

STATE OF COLORADO,
County of La Plata, ss:

I, Olive Orme, county clerk within and for said La Plata County, do hereby certify the above to be a true and correct copy of a resolution passed and approved by the board of county commissioners of said La Plata County on the 10th day of March, A. D. 1916. In testimony whereof I have hereunto affixed my name and the seal of said county at Durango, Colo., this 10th day of March, A. D. 1916.

[SEAL.]

OLIVE ORME,
County Clerk and Recorder.

DURANGO, COLO., *March 11, 1916.*

To the DURANGO EXCHANGE,
Durango, Colo.

GENTLEMEN: The Southwestern Bar Association is very much interested in the establishment of a Federal court at Durango, and at your suggestion has taken up the matter of the bill introduced by Mr. Taylor for that purpose, together with the suggestions made by Judge Robert E. Lewis. A canvass of the bar association and a study of the conditions show:

1. That the members of the bar to a man are unwilling to accept any provision which does not fix a definite, regular term of court to be held here if there is any business to be transacted.

2. They have no desire to cause expense or to compel the attendance of the court and officials when there is no business to transact, and to the end that the suggestions made by Judge Lewis may be met they are willing that the bill be so amended as to provide:

(*a*) That when there are no cases to be tried and no business to be transacted the term may be continued or adjourned by the judge in chambers at Denver.

(*b*) That jurors for each term may be selected from such counties as the judge may designate.

3. The board of county commissioners have by resolution agreed to furnish a courtroom, light, heat, and janitor service, without expense to the Government until such time as a public building may be constructed. Provision for such construction has been made and the site has been purchased. A certified copy of said resolution is herewith transmitted.

4. An office of the district clerk in Durango is maintained in the courthouse. The clerk is in attendance there every day and is available in all business hours. If he were also appointed clerk of the United States court the expense of that office would be nominal, and business could be transacted as readily and promptly as at the offices in Denver and Pueblo.

Under these conditions we feel that the establishment of a term of court here will not involve any considerable expense or serious inconvenience to the judge and court officials, and we think there is no valid objection to the establishment of such court.

The greater part of this district is distant from Denver at least 500 miles. It takes practically 24 hours to get to Denver from Durango, and a day longer from some other

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portions of the district. It takes substantially the same time and almost the same cost to reach Pueblo, and the only train service to Pueblo lands us there at 1 or 2 o'clock in the morning and makes us leave there at about midnight. It takes as long to reach Montrose, and because of higher rates over the Southern Railroad the expense is about as great as to reach Denver, and the conveniences of travel are very limited. Under these conditions it is preferable to transact the Federal court business from this district at Denver rather than at Montrose or Pueblo, and it is a hardship which should not be imposed upon our people to require them to attend at any of these places.

The bar association has been unable to get any complete data as to the business from this section which has been transacted in the Federal court. It has no record of such business outside of this county, and has no complete record of the business here. Reports made by a part only of the local attorneys to our committee show that they have been interested in the last few years in some 150 matters in the Federal court. The United States commissioner at this place has had upward of 125 cases from 1907 to this time. There are other commissioners in the district and several other counties which would be included in a Federal district to be formed, and the amount of business from these counties has been considerable. At one time, when the mining business was active, there were some 40 mining cases from Dolores County alone pending in the Federal court. During last summer there was tried in Denver a case from this section where more than 150 witnesses were taken to Denver. We think it will appear that the costs to the Government in its cases against the Porter Fuel Co., the New Mexico Lumber Co., the Pagosa Lumber Co., the Denver & Rio Grande Railroad Co., and other cases where a large number of witnesses were required, would maintain a local court here for a great many years. It has happened that most of the larger cases, involving the greatest expense and the largest number of witnesses, arising in this section have not been heard by Judge Lewis, but have been heard by Judges Trieber, Riner, Marshall, and others. For this reason, probably, Judge Lewis is not fully aware of the extent of the business actually arising in this section.

We suggest, further, that in all probability the Federal court business hereafter will increase rather than diminish, for the following reasons:

1. There is a land office here, within whose jurisdiction all kinds of public-land business is transacted, and from which before long appeals to the courts will probably be allowed.

2. There are two Indian reservations, with separate agencies, schools, and irrigation projects, and with all questions arising on account thereof or on account of dealings with the Indians.

3. There are two large forest reserves with district offices within this district from the administration of which the usual questions pertaining thereto may be expected to arise.

4. There are a large number of mining districts now again actively engaged in mining. A very large proportion of the properties are owned by foreign corporations or nonresident individuals. There is renewed activity in all these camps, resulting from better prices for products and improved methods, and as well from new discoveries of precious metals and new metals.

5. There are several national banks having the right in certain cases to sue and be sued in Federal courts.

6. The counties, schools, cities, towns, irrigation districts, power plants, mines, and industrial corporations have outstanding large issues of bonds held by nonresidents.

7. There are a large number of irrigation ditches and projected irrigation ditches, heading in Colorado and covering New Mexico lands. It can readily be seen that this condition is certain to furnish a very considerable business for the Federal courts.

8. There are seven large rivers rising in Colorado and running into New Mexico, Utah, Arizona, and California, and interstate questions as to rights to the use of water and as to respective priorities are continually arising.

9. Important questions are arising as to the priority of the Indians as to the right to use water as against the whites who have made actual, prior usage. These questions will arise as to practically all of our streams, and before long must be settled in the Federal courts.

10. This section is geographically and commercially intimately connected with northwestern New Mexico and southeastern Utah, both rapidly growing and developing communities, and controversies arising out of these relations between citizens of different States must result from this intercourse.

To the above matters may be added the facts that there is a large power plant owned and operated by a foreign corporation, which covers a large part of the territory of this district; that a considerable quantity of land has been sold by the Government with coal and mineral rights reserved to the United States, that the Government

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surveys of lands are very irregular and defective, and that the boundary line between Colorado and New Mexico has never been satisfactorily adjusted, and perhaps dozens of other circumstances from which Federal questions might arise.

In the course of our investigations a matter has come to our attention which we think should be mentioned. We find that several cases (particularly damage cases) have been removed from the local courts to the Federal courts, with the result that the plaintiff was unable to follow them there and to further prosecute them. We are not advised as to the merits of these cases, but certain it is that their removal to Denver and Pueblo deprived the plaintiffs in these cases of the opportunity to have tried the question involved. This condition ought not to exist, and if for no other reason, there should be a Federal court within easy reach, where such cases might be tried.

We have a list of the title of something over 200 cases which we can furnish you if desired, and we will endeavor to get returns from other counties, which will largely increase the number. It has been impossible for us to make anything like a full list of the cases from this section, but we have found that a very considerable amount of business, some of which was very important, has originated from this section. A very considerable number of the cases arising in this section have been in charge of Denver attorneys, and consequently are not found on the dockets of our local attorneys.

We ask you to join us in urging the passage of the bill and suggest that you concur in the amendments indicated if such amendments meet with the approval of Mr. Taylor.

Respectfully,

THE SOUTHWESTERN COLORADO BAR ASSOCIATION,
By REESE MCCLOSKEY, *President.*
ROBT. S. CLEMENTS, *Secretary.*

REESE MCCLOSKEY,
ROBT. S. CLEMENTS,
B. W. RITTER,
Committee.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 457.

EXCLUSION OF LIQUORS FROM NATIONAL PARKS.

MARCH 30, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

FEBRUARY 22, 1917.—The Committee of the Whole House on the state of the Union discharged, referred to the House Calendar, and ordered to be printed.

Mr. HAYDEN, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 6814.]

The Committee on the Public Lands, to whom was referred the bill H. R. 6814, having had the same under consideration, report the same back to the House with amendments, with the recommendation that the bill do pass.

Amend by striking out all after the enacting clause and inserting the following:

That from and after the approval of this act the issuance by any officer or employee of the United States to any lessee, permittee, concessioner, or other person, firm, or corporation whatsoever, of any permit or authority for the sale or dispensing of intoxicating liquors of any kind, including beer, ale, and wine, in any national park is hereby prohibited; and the Secretary of the Interior is hereby directed to take all necessary measures to carry this act into full force and effect.

Amend the title so as to read:

A bill to exclude intoxicating liquors from national parks.

This is primarily a safety measure. The national parks of the country have been opened to automobile travel, and though last year was practically the first season in which such traffic was permitted, the number of visitors who were conveyed through these parks by this means reached very large proportions.

As is well known, the roads in all national parks are necessarily very dangerous, and the safety of all the people who use these roads depends upon the care, skill, and sobriety of the chauffeur who guides the machines over them.

To permit the sale of intoxicating liquors in any national park is an invitation to disaster upon the mountain highways therein.

The principle of liquor restriction as a safety measure is well established.

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A Pennsylvania statute (Act No. 410) makes it a misdemeanor for a driver of a traction engine to be intoxicated; while a law of Washington (ch. 165) extends the law of that State to cover intoxication of employees on highways and other public places as well as on streets.

The sale of intoxicants near lumber or other camps is prohibited by an act of the Michigan Legislature (No. 110), which makes it unlawful to sell or deliver intoxicating liquor at any lumber camp, sawmill, yard, or along the right of way of any railroad.

The bill was referred to the Secretary of the Interior, and his report on the same is printed herewith. It is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1916.

MY DEAR MR. FERRIS: I have your letter of February 1, inclosing for report H. R. 6814 entitled "A bill to exclude intoxicating liquors from national parks and national forest reserves."

Drinking saloons and barrooms are not permitted upon Government lands within the national parks, but where hotel and permanent camp privileges have been granted in the parks it has been customary in States where prohibition is not in effect to permit the supplying of wines and liquors to guests at tables and in their rooms. In prohibition States the State law has been followed.

As the bill covers also forest reserves, it is suggested that it be called to the attention of the Secretary of Agriculture.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

Hon. SCOTT FERRIS,
Chairman, Committee on Public Lands,
House of Representatives.

A BILL To exclude intoxicating liquors from national parks and national forest reserves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the sale, gift, manufacture, transportation, or possession of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind for beverage purposes within any national park or national forest reserve of the United States is hereby prohibited. Whoever shall violate any provision of this act or cause the same to be violated shall be fined not more than $1,000 or imprisoned not more than two years, or both; and for any subsequent violation of this act shall be imprisoned not more than five years.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 458.

TO PROMOTE THE RECLAMATION OF ARID LANDS.

MARCH 31, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCCRACKEN, from the Committee on Irrigation of Arid Lands, submitted the following

REPORT.

[To accompany H. R. 12365.]

The Committee on Irrigation of Arid Lands, to which was referred the bills (H. R. 262 and H. R. 12365) to promote the reclamation of arid lands, having carefully considered the same, report the latter herewith and recommend that the bill, with amendments, do pass.

COMMITTEE AMENDMENTS.

Page 5, line 25, strike out the word "hereinabove" and insert in lieu thereof the word "hereinbefore."

Page 9, line 10, strike out the word "heretofore."

H. R. 262, to promote the reclamation of arid lands, introduced by Hon. Addison T. Smith, of Idaho, was referred to the Secretary of the Interior for consideration and report. After a most careful consideration the Secretary recommended the enactment of the proposed legislation, but suggested certain amendments, and a substitute bill was introduced, H. R. 12365. The recommendation of the Secretary of the Interior is hereto attached and made a part of this report.

The purpose of the proposed legislation is to enable irrigation districts which are municipal corporations to distribute the cost of an irrigation system, and the operation and maintenance thereof, over all the lands, both public and private, which are to be benefited. The bill is further intended to give relief in those cases where most of the land within an irrigation district is held by entrymen, generally by homesteaders, who must have water to irrigate their lands to enable them to make a living. Under the present law, the entryman can not bind his land for the payment of his proportionate share of the cost of the construction of an irrigation system. The result is that a bond

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buyer will not accept bonds on the lands of an entryman, because the title to the lands remains in the Government until patent issues, and any assessment against such unpatented lands can not be held to be a lien. In most cases entrymen who live within the boundaries of a proposed irrigation district are quite willing to bind their lands for the payment of the cost of the irrigation works, but they are precluded from so doing, because the Government has not provided a way whereby they may use their entries to satisfy the bond purchaser that there is any real security for the bonds issued by the district.

It is obvious that entrymen within the confines of an irrigation district who have secured patents to their lands must now bear the full cost of the construction and operation of any irrigation system which may be established for the utilization of all the lands within the district, both public and private. The entrymen upon the lands which have not yet passed to patent can refuse to have any part in the organization of an irrigation district, and thus permit the entire cost of the water system to fall upon those who own patented lands within the proposed district, yet he becomes the beneficiary of the toil of his neighbors who have made it possible to reclaim the lands of the district. Upon the completion of an irrigation system the value of the lands of the entire district will have materially increased, and the entryman who has had no part in constructing the water system is tempted to, and often does, speculate upon his relinquishment. It is true that such an entryman who has not participated in the organization of an irrigation district must pay the district the cost of the water right if he ever gets it, but he is not prevented, under the statutes of most States, from compelling the district to deliver him water for any season that it may be needed for the preservation of any crops that he may have growing upon his entry.

It must be borne in mind that the cost of an irrigation system for a district embracing 20,000 acres is no greater in most instances than the cost of a system for 10,000 acres, and the very object of this bill is to protect any small group of entrymen who may undertake the reclamation of a given tract of land and enable them to equitably distribute the cost upon all the lands which are to be benefited.

The reclamation of a large part of the lands of the arid regions of the West now under cultivation was accomplished by the organization of canal companies, the membership of which constituted practically every settler within the area proposed to be reclaimed. For the most part there were no expensive dams or other irrigation works to be constructed and the work of digging canals and ditches was done by the settlers upon the lands to be benefited. Naturally these easy and cheap projects were built first, and those remaining to be constructed, either by private enterprise through the irrigation districts or by the Government, are generally costly and large. In order to make these larger projects feasible and to encourage their construction it is necessary that the cost shall be distributed so that each acre will contribute its proportionate share; otherwise the cost which would have to be levied upon the portion which could be taxed would be so high that the projects would not be feasible. The only means and the best means by which all of the lands in private ownership can be brought into the project and made to pay their proportionate cost of the work and operation is by the irrigation district plan.

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FORMATION OF IRRIGATION DISTRICTS.

The law in most Western States requires that the first step to be taken in the organization of an irrigation district is the presentation to the board of county commissioners of the county in which a majority of the lands may be, a petition signed by 50, or a majority, of the holders of title, or evidence of title, to lands susceptible of one mode of irrigation from a common source and by the same system of works, proposing the organization of an irrigation district. This petition sets forth and describes the lands to be included within the boundaries of said irrigation district with the same degree of accuracy required in making up a tax roll. A map must accompany the petition and must show the location of the proposed canal or other irrigation works by means of which the district is intended to be irrigated. The petition is accompanied by a bond to the county in double the amount of the probable cost of organization, with the condition that the bondsmen shall pay all costs in case said district is not organized. With the petition must also be filed the report of a competent engineer, setting forth in detail the scheme for the irrigation of the lands, together with a statement as to the water supply. The petition, together with the map and engineer's report, are filed with the clerk of the board of county commissioners, whose duty it is to publish a notice giving the first name on the petition, the date of its filing, and the date upon which it will be presented to the board of county commissioners. Two weeks is the time required by law for such publication.

It then becomes the duty of the board of county commissioners to set a time for the hearing of the petition and to give notice of the same; such notice must be published by the board at least three weeks before the day set for the hearing, in a newspaper having a general circulation in the county or counties in which the proposed district is situated. A copy of the petition, maps, and other papers on file with the board of county commissioners must be filed with the State engineer, who examines the proposed district and prepares a report which he submits to the board of county commissioners before the date set for a hearing. The State engineer may approve or disapprove the organization of the district. At the hearing on the petition any person whose lands are adjacent to the district may, in the discretion of the board, upon application, have his lands included within the boundaries of the district, and also such lands that are not benefited by reason of the organization of the district may, upon application, be excluded from the boundaries of the proposed irrigation district.

After the board of county commissioners has determined what lands shall be included within the proposed irrigation district, it makes an order in its record describing said lands and stating that the same will be organized into an irrigation district, naming the district providing the vote of the electors on the proposition shall be favorable to its organization, and give notice of such election by publication for four weeks prior to said election in a newspaper published within the county or counties where any of the lands within the boundaries of the proposed irrigation district lie. This notice given by the board of county commissioners states the name of the proposed district and describes the lands within said proposed district as provided by its

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order calling said election. At this election a two-thirds vote is required in favor of the irrigation district to authorize its formation. If two-thirds of those voting at such election do not vote in favor of the district organization, the irrigation district is not organized.

At the election for the organization of the irrigation district three directors are elected. These directors operate the district until their successors are elected and qualified. Within 10 days after this election the board of county commissioners canvass the returns of the election, and if the required number of those voting at said election vote in favor of the organization of the irrigation district, the board of county commissioners, by an order entered on its minutes, declares the territory therein described duly organized into an irrigation district under the name which it gave the said proposed district at the time of the hearing on the petition for its organization. A certified copy of the order declaring the district duly organized and describing the lands included within said district is immediately filed for record in the office of the county recorder in the county or counties in which any portion of the land is situated, and thereafter the naming of the district is considered constructive notice to the landowners within said district.

The directors elected at the time of the organization of the district immediately formulate a plan for its proposed operation. The surveys, examinations, maps, plans, and estimates are made out under the direction of a competent irrigation engineer and certified by him. A copy of the plans, maps, and estimates is submitted to the State engineer for his examination, who within 90 days files a report upon the same with the board of directors. Upon receiving this report the board of directors determines the amount of money necessary for the construction of an irrigation system and calls a special election for the authorization of a bond issue. Notice of an election is given by posting three copies in each of the precincts within the district, and publication thereof in a newspaper published in the district; in case no newspaper is published within the district, then in a paper in the county or counties within which any of the lands in said district lie, for four weeks prior to said election.

It requires two-thirds of the voters voting at the bond election to vote in favor of the bonds to authorize a bond issue. As to the confirmation of the proceedings of the organization of a district, a petition is filed in the district court of the county in which the major portion of the lands of said district lies, asking that the proceedings thus taken may be examined, ratified, approved, and confirmed by the court. The notice of the filing of this petition is published for four consecutive weeks in a newspaper published in the same county. The notice so published states the time and the place fixed for the hearing of the petition and also states the prayer of the petition. If the court finds that all proceedings taken with reference to the organization are regular, it ratifies, approves, and confirms the same and declares the district duly organized.

After a bond issue or a contract with the United States Government to construct the works has been authorized by the electors of the district, the board of directors shall examine each tract or legal subdivision of land in the district, and determine the benefits which shall accrue to such tract or legal subdivision from the construction

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or the purchase of works for the district and apportion the cost of such works over such tracts in proportion to such benefits; but after the directors examine the land and before they apportion the assessment of benefits they give notice to the landowners that they will meet at their office on a certain day, stated in said notice for the purpose of making the distribution of the cost of the works upon lands within the district in accordance with the benefits. This notice is given by postal card mailed or delivered to each land owner, and is also published in the county in which the lands within said district lie, two weeks before the time set for the hearing. At this hearing evidence is heard, and the board, after they have heard the evidence of those parties who desire to appear, classify the land in such a way that the assessment when completed will be just and equitable. The board makes a map or a list of the lands with the amount and rate per acre of the distribution of the cost on same. This assessment is also subject to review by the district court of the county in which the major portion of the lands within the boundaries of the district lies.

After a bond issue, a petition may be filed, asking that the proceedings with reference to the authorization of the bond issue be examined, ratified, and approved by the court; also a petition may be filed after the board has apportioned or distributed the cost of the works upon the lands within the boundaries of the district, and also a petition may be filed after the sale of bonds. All of these matters, the proceedings for the organization, the proceedings for the authorization of bonds, the proceedings to confirm the list, apportionment and distribution of the cost of the works upon the lands of the district, and the proceedings for the sale of the bonds may be included in one petition and heard by the court at one time, or it may be at different times; but before the court has jurisdiction to pass upon the proceedings taken in any of these matters it is necessary that the notice be published as before stated. At the time of the hearing anyone interested in the subject matter may demur or answer said petition and may contest any or all of the proceedings.

It is believed that the legislation proposed by this bill will enable many irrigation districts which have already taken the first steps in organization to dispose of their bonds so that they may obtain the money needed to construct their irrigation systems. It should also open the door to cooperative effort on the part of the settlers to construct needed irrigation works without looking to the Federal Government to undertake the establishment of new projects, thus bringing under early development thousands of acres of arid lands in the West which are now unproductive.

DEPARTMENT OF THE INTERIOR,
Washington.

Hon. WILLIAM R. SMITH,
Chairman Committee on Irrigation of Arid Lands,
House of Representatives.

MY DEAR MR. SMITH: The department is in receipt of your letter of February 10, transmitting copy of H. R. 262, entitled "A bill to promote the reclamation of arid lands on the public domain," with a request for the views of the department and any suggestions in reference thereto. In response to your request I have the honor to submit the following report:

This bill provides for the assessment and sale of unpatented lands included in irrigation districts organized under the laws of the various arid-land States. I have

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given the proposed legislation my careful consideration and am of the opinion that it needs amendment in several important respects. Such amendments are offered in the form of a substitute bill, copies of which are inclosed with this letter.

In explanation of the changes made by the substitute bill, I would say that the general object of these changes is to make the bill more effective and serviceable from the standpoint of the irrigation districts, to protect important Government interests and investments which are not provided for in the original bill, and to simplify the problem of administration of the proposed law by this department, the General Land Office, and the local land offices.

The principal changes are:

First, the elimination of the two provisos at the bottom of page 2 of the original bill, lines 13 to 22, through the word "district." The first of these two provisos, lines 13 to 17, seems to be unnecessary and open to construction which might cripple the utility of the proposed law. As the entryman must in any event have the qualifications required by law, this provision, if it has any effect at all, might be construed as denying the benefits of this act to any district which might by any chance contain a homestead or desert entry which had been erroneously allowed to an entryman without the required qualifications. Existing law provides sufficient remedy in such case against the individual entryman, and such case should not disqualify the entire district.

As to the second of these two provisos, lines 18 to 22, through the word "district," this proviso appears to prescribe a property qualification for the right to vote at an election to organize an irrigation district, and would be in conflict with the constitutional and statutory provisions of some of the States involved.

It is obvious that in the original bill no consideration has been given to its application to lands withdrawn under the reclamation act. The successful operation of irrigation districts within Government reclamation projects is of very important and immediate concern to the Government and an amendment in this respect is necessary to protect the investment which the Government has made in irrigation works. Otherwise, title might be secured through tax sale to public lands withdrawn under the reclamation act without payment of the construction and operation cost of the Government work, and without compliance with the requirements of the reclamation act in regard to irrigation and reclamation. In the substitute bill this objection has been eliminated by provision which is believed to be adequate to meet the needs referred to. This provision is inserted in section 2, beginning line 20 of the substitute bill, and is the second important change to which I desire to call your particular attention.

A third change is made in sections 4 and 5 of the bill and provisions inserted in section 6 which are designed to relieve the land office of the burden and expense of keeping books and records to determine the amount of district assessments, interest, and penalties outstanding as a lien against the various tracts of entered and unentered lands, and the collection and transmission of such charges by the land office for the district, and at the same time accomplishes the purpose intended in the original bill.

A fourth change occurs in section 6, line 11, of the substitute bill, where the following words have been inserted: "And upon the satisfactory showing that the irrigation works have been constructed and that water of such district is available for such land."

This provision, to my mind, is very important, for unless some restriction of this character is made it would be possible to secure title to the public lands through tax sale without constructing any of the proposed irrigation works or providing any water for reclamation.

Certain other changes are also made with reference to important contingencies not clearly dealt with in the original bill, among which may be mentioned the disposition of moneys derived by the United States and the irrigation districts from the lands in question.

The experience of irrigation districts containing unpatented lands indicates that there is need for legislation of the kind proposed, and if properly safeguarded as suggested in the substitute bill, the department would offer no objection if Congress considers such legislation advisable.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 459.

PER CAPITA PAYMENTS TO INDIANS OF FORT BERTHOLD RESERVATION, N. DAK.

MARCH 31, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. NORTON, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 11720.]

The Committee on Indian Affairs, to whom was referred the bill H. R. 11720, being a bill to provide for per capita payments to be made to Indians of the Fort Berthold Indian Reservation in North Dakota, having carefully considered the same, reports the bill back without amendment and recommends that it do pass.

The Indians of the Fort Berthold Reservation, 1 154 in number, have now to their credit in the Treasury of the United States, arising from the sale of their surplus lands, $751,705.42, including interest. The Indians are as a rule in poor circumstances and without means financially to carry on the work of farming, agriculture, and stock raising and also building up their homes, and with this large sum in the Treasury a per capita payment at this time will add materially in assisting them in securing proper implements for agricultural purposes and in building their homes. The payment contemplated by this bill will amount to about $650 per Indian.

The legislation has the approval and recommendation of the Interior Department, as shown by the following letter of the Secretary:

DEPARTMENT OF THE INTERIOR,
Washington, March 4, 1916.

MY DEAR MR. STEPHENS: I have received your letter of February 18, forwarding for report copy of the bill (H. R. 11720) proposed by Mr. Norton on February 17, 1916.

The proposed bill is intended to authorize the Secretary of the Interior to withdraw from the Treasury and pay to the Indians entitled all moneys derived from the sale and disposition of surplus land and coal deposits within the limits of the former Fort Berthold Indian Reservation, N. Dak.

Under the provisions of section 11 of the act of June 1, 1910 (36 Stats. L., 455–458), the proceeds arising from the sale of the surplus lands must be deposited in the Treasury and are not subject to expenditure unless specifically appropriated by Congress for the education, support, and civilization of the Indians. Section 2 of the act of August 3,

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1914 (38 Stats. L., 681) provides that the coal deposits in certain lands within the former Fort Berthold Reservation shall be subject to disposition in accordance with the provisions of the coal-land laws and the proceeds therefrom shall be deposited in the Treasury of the United States and applied in the same manner as the proceeds from the disposition of lands.

The Commissioner of Indian Affairs informs me that there is a great need on the part of the Indians on the Fort Berthold Reservation for funds to promote the industrial pursuits for which their lands are adaptable and the improvement of their homes. Many of the Indians on the reservation who in the past have made an effort at farming and stock raising are greatly handicapped because of the lack of proper implements with which to do their farm work or proper stock in sufficient numbers. Very few of them have the necessary implements with which to cultivate even a small farm. This reservation, perhaps, is better adapted to the raising of live stock than to farming, although a certain amount of farming and gardening can and should be carried on in connection with the live-stock industry. It contains good grazing land and there is room for the grazing of a large number of cattle and horses.

A great many of these Indians are in extremely poor circumstances, especially among the old Indians, and such Indians can profitably utilize their funds for support. Many of the homes are built of logs chinked with mud, with dirt floors and sod roofs. Houses of this sort are not conducive to the best health of the occupants, and while they are fairly comfortable, the comfort is secured through the sacrifice of all principles of sanitation. The Indians have requested quite urgently that their funds be made available for their use, and it is believed the plan outlined in the proposed legislation, if carried out, will result beneficially to the Indians as a whole.

I am further advised that the ledgers of the Indian Office show the following funds in the Treasury belonging to the Fort Berthold Indians, arising under the provisions of the act of June 1, 1910, supra:

Fort Berthold Reservation 3 per cent fund	$705,057.59
Interest on Fort Berthold Reservation 3 per cent fund	46,647.83
Total	751,705.42

There are approximately 1,154 Indians on the reservation, and dividing the amount of money now available equally among that number should give to each Indian approximately $650.

In this connection your attention is invited to an amendment proposed by Senator Gronna to the bill (H. R. 10385) intended to accomplish a similar object.

In view of the condition of the Fort Berthold Indians and their urgent need for assistance, I recommend that the proposed legislation be given favorable consideration by your committee and the Congress.

Cordially, yours,

FRANKLIN K. LANE, *Secretary*.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs, House of Representatives.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 460.

STREAMS, SPRINGS, AND WATER HOLES ON PUBLIC LANDS IN THE STATE OF CALIFORNIA.

APRIL 1, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RAKER, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 1351.]

The Committee on the Public Lands, to which was referred the bill (S. 1351) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States in the State of California, to render the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same, and for other purposes, having had the same under consideration, beg leave to report it back to the House with the recommendation that the bill be amended as follows:

1. On page 1, at the end of line 3, strike out the comma and insert the word "and."

2. On page 1, in lines 4 and 5, strike out the following: "and directed immediately to proceed by all necessary and proper means," and insert in lieu thereof the following: "in his discretion in so far as the authorization made herein will permit."

3. On page 1, in lines 7 and 8, strike out the following: "what are known as the western deserts and."

4. On page 1, line 9, strike out the following: "in the State of California."

5. On page 2, lines 15, 16, and 17, strike out the following: "all disbursements made under this act shall be made by the Secretary of the Interior on vouchers approved by the Director of the Geological Survey."

6. On page 3, lines 3 to 8, inclusive, strike out all after the figure "4" and insert in lieu thereof the following: "That the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this act into full force and effect."

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7. Amend the title so as to read:

An act providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same.

As thus amended the committee recommend that the bill do pass.

S. 1351 is identical with H. R. 242 of the present Congress, except that the former is limited in its operations to the State of California. The Secretary of the Interior, in a letter to the chairman of the Committee on the Public Lands, reports as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. FERRIS: In response to your request therefor I have the honor to report on H. R. 242 as follows:

The bill provides for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the erection and maintenance of suitable and durable monuments and signboards at proper places and intervals along and near the accustomed lines of travel and over the general area of said desert lands, containing information and directions as to the location and nature of said streams, springs, and water holes, to the end that the same may be more readily traced and found by persons in search or need thereof. It also directs that suitable means be provided for conveniently bringing the water to the surface at said water holes, and for the preparation and distribution of suitable maps, reports, and general information relating to said springs, streams, and water holes.

This bill is identical with S. 487 of the Sixty-third Congress, first session, and S. 1351 of the present Congress, except that the latter are limited in their operations to the State of California.

S. 487, Sixty-third Congress, was the subject of departmental report dated May 3, 1913, in which it was stated that Congress might well consider the propriety of taking action of the type contemplated in said bill, but that if the action proposed is appropriate for the Federal Government to undertake it should not be confined to the State of California. This departmental report is printed in full in the report of the Senate Committee on Public Lands on S. 1351, dated December 17, 1915, Senate Calendar No. 7, Report No. 9, to which your attention is invited.

In said report of May 3, 1913, it was stated that the duties which the bill imposes on the Department of the Interior can readily be performed with the present organization of the department if the necessary funds are provided; but it was suggested that, if the bill was modified so as to be general in its application, the amount appropriated be increased to $25,000, with which an adequate beginning of the contemplated work can be made.

I would therefore emphasize the recommendations of the department in regard to this subject and suggest that section 2 of the proposed bill, H. R. 242, be so amended as to authorize the expenditure of $25,000 for the contemplated work. It is recommended that the bill as amended be enacted.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Concerning this and similar bills introduced in previous Congresses, Secretary Lane has said:

It appears that these bills express the desire of a number of citizens of the arid districts of the Southwest, who for years have endeavored to bring about action which would lead to the development and proper marking of watering places in American deserts. Because of the extensive mining developments, particularly in Nevada and Arizona, within the past two or three decades, there has been a great increase in the amount of travel through and across the more truly arid sections of our Southwest where the known and developed water supplies are scant and are often separated by wide waterless stretches. Travel through these districts by those who are not experienced in desert conditions is hazardous and many lives have been sacrificed, some of which at least might have been saved had the watering places been properly marked and signposts fixed at appropriate points. While action of the type contemplated

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in this bill is usually regarded as a function of local State and county authorities, I believe that Congress may well consider the propriety of undertaking it in the sparsely inhabited desert regions where the great body of lands are public lands which yield no taxes and, being practically uninhabitable, are likely to remain public lands and so continue to be unavailable as local sources of revenue.

The following speak for themselves:

BONES OF DESERT'S VICTIM FOUND NEAR SPRING—MAN DIES OF THIRST CLOSE TO WATER—SKELETON MAY NOT BE IDENTIFIED.

[Special to the Express.]

SAN BERNARDINO, *April 4.*

Bleached by desert winds, the bones of an unknown prospector were found far out on the bleak plains in the "Willie Boy" country, and tell the story of another victim of thirst.

The man had almost reached Surprise Springs. Whether in his delirium he did not know water was at hand, or was too weak to dig the sand out from the water hole, will never be known.

Deputy Sheriff Reche, who was traveling the route over which he had aided in driving "Willie Boy" to his death, five years ago, found the skeleton.

The man had been dead for weeks, and only the fact that he had three gold teeth gives the officers a clew to identification, and this is so meager a clew that the man probably will never be identified. Reche telephoned the report of the discovery from Banning.

DRINKS HIS OWN BLOOD—MAN CRAZED BY THIRST IN DEATH VALLEY PLUNGES KNIFE INTO MOUTH TO MOISTEN TONGUE.

[By direct wire to the Times.]

RENO, NEV., *July 14.*

Driven to the point of desperation in an effort to quench his thirst, an unknown prospector lost in Death Valley lanced the roof of his mouth for the relief his own blood furnished his parched throat.

The man was found by Dr. Bulette and Edward Bevis, who were en route to the Keane Wonder mine across the sandy waste. When discovered he was demented, and as a last resort plunged the knife into his mouth in order to open an artery that would spread his life's fluid over his swollen tongue.

The prospector could not give his name, but it was learned he had started from Skiddoo in an attempt to reach Rhyolite and had set his course across the desert which has already claimed so many victims. When he was found by the two mining men he was delirious and had nearly succumbed to the heat and thirst. He was lifted into the automobile, where it took one man to hold him in the seat. He raved and attempted to fight and the coagulated blood of his face and the blood-stained knife showed to what desperation he had been driven. He was conveyed to Rhyolite, and it is stated that he will recover. Thus far it has been impossible to learn his identity. There were no papers on his person and he had thrown away everything he had been carrying across the desert.

The following is from an article written and published by Allan Kelly.

THE VALLEY OF FEAR—DEATHS IN THE COLORADO DESERT THIS YEAR.

The list of known victims of the desert mounts up day by day. In three weeks, 11 dead prospectors were found and 8 others were raving maniacs when they were rescued. And the rescues, moreover, were accidental; other travelers simply happened to find the mad wanderers.

M'RAE'S ADVENTURE.

James McRae, a miner, attempted to cross Death Valley on horseback recently, He knew the way and the location of the water holes, and he carried a cask of water behind his saddle. But the horse dropped under the terrific heat, and McRae was compelled to abandon the animal and make the rest of the journey afoot. He filled his canteen from the cask, gave what remained of the water to the dying horse, and

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trudged over the sand toward the next spring, 10 miles away. The canteen leaked, and soon he had not a drop of water. It was only 10 miles to the spring, but 10 miles of Death Valley, with the temperature at 140 and the wind like the blast from a furnace, is an appalling distance.

McRae knew what was before him, and, restraining the mad impulse to hasten forward, he sought the scant shade of a mesquite bush, and rested through the remainder of the day and a part of the night. When the heat had abated some few degrees he resumed the journey, and he succeeded in keeping his wits sufficiently to travel in the right direction. Here is his own description of the end of the quest:

"When at last I dragged myself to the spring, after hours of torture, I had begun to see all manner of hideous shapes flitting before me, and the drip, drip of water trickling from the rocks into the muddy pool sounded like the mocking laughter of devils jeering at my sufferings. I had enough sense left, though, to drink sparingly at first, and, after satisfying my thirst to an endurable degree, I sat upon a rock, filled my pipe, and thought over my narrow escape. I was so joyful over it that I let out an exultant shout. My yell was answered by a pitiful cry from some place over in the sand hills, and I hurried in the direction from which the cry came. Not far away I found six men almost dead. They were within a hundred yards of the spring, but had no idea that there was a drop of water within 50 miles. It was that lucky yell of mine that saved them. Had there been a signboard at the spring, they would have seen it from a distance, and been saved long before."

The six men found by McRae were the two Rice brothers, of Pahrump; James De Long and Hiram Phillips, of Bakersfield; Ben Raymond, of Daggett; and Blake, of Owens Valley. They were on a prospecting trip from Pahrump, had found springs dried up where they expected to get water, and had lost their way hunting for other water holes. But for McRae's luck in finding a spring, these men would have met the fate of a party that attempted to cross Death Valley in the latter part of June. There were nine in the party, and when found by other prospectors within half a mile of an unmarked water hole seven were dead and two were raving lunatics.

On July 3 Matt Riley and James Kitte went out on the desert in Riverside County, Cal., with only a gallon of water between them. Kitte was made ill by the heat 12 miles out, and after resting by the roadside he turned back, and so escaped the fate which overtook his companion. Riley was found dead a few days later. His tracks indicated that he had traveled 50 miles in search of Cottonwood Springs, but had lost his way because of the lack of signboards, and had died of thirst about 20 hours after his search began.

A MADMAN IN ONE DAY.

J. H. Hooker, a health seeker at Indio, went out for a walk in the cool of the morning, and, knowing nothing of the desert, he took no water. In the burning heat of midforenoon he became bewildered, and at night he wandered back into town a madman.

Manuel Sepulveda, with his wife and several children, left Uvada, Utah, for Searchlight in a wagon, and got along all right to Moapa, in southern Nevada. After leaving Moapa the Sepulvedas departed from the beaten trail to make a cut-off, and soon were lost in the desert. Their water supply ran short, and the horses were about ready to drop when a thunderstorm broke, drenching their parched bodies and replenishing the water tank.

The next afternoon Sepulveda imagined that he saw a railroad train on the horizon and turned his horses in that direction, knowing that if he could reach the track he and his family would be safe. All night he drove on, but in the morning there was no sign of the railroad, and Sepulveda understood that the mirage had lured him into a trackless waste of sand. He turned toward a distant range of hills, and urged his team on, hoping to reach them and find shade before the heat of the afternoon sun should come upon them.

As the outfit came to the crest of a sand hill, a blue lake fringed with trees appeared at one side of the course, and the woman and children shouted joyfully and thanked heaven they were saved. But Sepulveda had some desert experience, and he knew the lake was an illusion. It was a mirage so perfect in its mockery that the woman could not believe her husband's declaration that the rippling waves of blue water were only pulsating billows of heated air arising from scorching sand, and she urged him almost frantically to turn from the course and drive into the waters of the lake. The man and the horses were not deceived, and as they went on the mirage receded into the distance and melted away, and where the waves had danced whirling dust devils arose and waltzed madly across the desert.

In the afternoon thunderclouds gathered along the range of hills, and soon the storm broke with crashing peals and vivid flashes. The horses reared and whirled, cramping and overturning the wagon, broke from the harness, and ran away. The

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family was left afoot in the land of despair, and nothing remained but await madness and death.

One of the smaller children was missed, and in search of the wanderer Sepulveda walked to the top of a swale into which he had entered to look over the country. Standing upon the summit and outlined against the horizon, the man was seen by a party of miners camped not far away at a spring. And so the Sepulvedas were rescued and guided to Ivanpah, whence they were directed toward Searchlight. Because of the absence of guideposts, they had gone a hundred miles out of their course.

WHY MEN DIE IN THE DESERT.

C. W. Turner, former owner of an oasis known as Indian Creek ranch in Lincoln County, Nev., told me something about Death Valley recently. Mr. Turner is a typical desert dweller, bronzed as an Indian, lean and wiry, tough as hickory, despite his 67 years, and with hair and beard as black as jet. He was born on the Hudson, and came to Nevada overland in 1849. Two or three years ago he sold his ranch and went to Oregon, but it was too wet for him there, and he returned to the desert, whose strange lure no man can resist when once it takes grip on his soul.

We were speaking of the seven prospectors who were found dead in the valley in June, and Turner said: " I have crossed Death Valley often, and at all seasons, and I have learned what it is that kills men there. It is fear. The heat is awful, and when a man faces the burning wind and his eyeballs are seared by the glare of sunlight on the sand he thinks he never will be able to pull through, and blind terror seizes him. I knew one man who killed himself when he still had a canteen full of water. He wrote a note, saying that he preferred sudden death to the delirum that he felt coming on him, and shot himself. It was the terrible heat that frightened him. There are springs in Death Valley, and there is green timber in the mountains around it. One who knows the location of the water holes can get through all right if he does not become panic-stricken and wear himself out in his blind haste to get somewhere. The sink might well be named the Valley of Fear."

Almost without exception, the tragedies of the desert are caused by the lac of guideposts to direct travelers to water.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 461.

LANDS FOR PUBLIC PARK IN OREGON.

APRIL 1, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SINNOTT, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 10305.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 10305) to grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people, having considered the same, report thereon with a recommendation that it do pass.

The lands which this bill proposes to grant to the State of Oregon for park purposes only are situated in the northwestern part of the State, in Clatsop County, near the Pacific Ocean. They consist of two peaks of moderate elevation and adjacent lands. The ocean beach from the mouth of the Columbia River south to Tillamook Head, a distance of some 25 miles, is a very popular summer resort section, visited by tens of thousands of people yearly. This park will be readily accessible to them. There are excellent highways from Portland and Astoria to the vicinity of the park. There is good railroad service also. Camping places with abundance of good water are numerous. From the summits of the peaks, snow-clad mountains, rivers, forests, settlements, and the Pacific Ocean extend in endless and beautiful vistas. The park will be within a convenient distance for a half million of people.

The summits of the peaks are open lands generally; on other parts of the lands are woods, but no very valuable timber according to the information furnished to the committee, which will be preserved in their native beauty and protected from depredation and fire.

The lands are to be granted for park purposes only, and if not so used at any time revert to the Government.

The committee offer the following amendments:

On page 1, line 11, strike out the word "of," and insert the word "of" between the words "half" and "section."

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On page 2 add a new section:

"SEC. 2. That there shall be excepted from the grant hereby made, any lands which at the date of the approval of this act shall be covered by a valid, existing bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated."

This amendment is proposed in accordance with a suggestion made by the Department of the Interior in a report on the bill, which report is printed as part of this report.

The Legislative Assembly of the State of Oregon, by joint memorial, adopted at its session in 1913, memorialized Congress for the establishment of a park here.

The bill as amended will read as follows:

[H. R. 10305, Sixty-third Congress, first session.

A Bill To grant certain lands to the State of Oregon as a public park, for the benefit and enjoyment of the people.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all those certain tracts, pieces, or parcels of land lying and being situate in the State of Oregon and within the boundaries particularly described as follows, to wit: The south half and the northeast quarter of section seven, and the west half and the southeast quarter of section eight, and the southwest quarter of section nine, in township five north, range eight west of the Willamette meridian; and the southwest quarter of section twenty-seven, and the southeast quarter and west half of section twenty-eight, and the north half of section thirty-three, and the northwest quarter of section thirty-four, and the northeast quarter and the southeast quarter of section twenty-nine, in township six north, range eight west of the Willamette meridian, are hereby granted to the State of Oregon as a public park or pleasuring ground for the benefit and enjoyment of the people: *Provided*, That the patent to be issued for said lands shall contain the provision that the land shall revert to the United States whenever it shall not be used for the purposes mentioned in this act: *Provided further*, That the Government of the United States of America reserves the right to operate and maintain any telegraph or telephone line over and upon said land which is in operation at the passage of this act, or which it may see fit to establish thereafter.

SEC. 2. That there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated.

DEPARTMENT OF THE INTERIOR,
Washington, March 27, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request of March 20, 1916, for a report on H. R. 10305, a bill to grant certain lands to the State of Oregon for a public park, and in response I have the honor to submit the following:

The land described in the bill contains 2,574.39 acres, of which 162.40 acres are claimed under a homestead entry, and 160 acres have been patented on a timber-and-stone entry, and 1,450.03 acres are claimed as lieu selections under the act of July 1, 1898 (30 Stat., 597, 620), leaving unclaimed 801.96 acres. Except in the case of the homestead and timber-and-stone entries, action on the claims has been suspended pending said legislation.

Senate bill 7372, Sixtieth Congress, was introduced to withdraw said lands, together with other lands, for a park to be known as Saddle Mountain National Park. At that

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time the land was unsurveyed and embraced Humbug Mountain, in township 5, and Saddle Mountain, in township 6 N., R. 8 W. The matter has since been before Congress until the session of the Sixty-third Congress, when Senate bill 531, introduced for the purpose of creating such national park, was so amended as to constitute a grant to the State of Oregon, for park purposes, of the land embraced in the bill under consideration.

In order to protect all persons having valid claims to the land proposed to be granted to the State by the bill, I recommend that it be amended by inserting a clause to read as follows:

"That there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated."

When so amended I see no objection to the enactment of the proposed legislation.

Cordially, yours,

ANDRIEUS A. JONES,
Acting Secretary.

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64TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 462.

DIVISIONS OF MENTAL HYGIENE AND RURAL SANITATION, PUBLIC HEALTH SERVICE.

APRIL 1, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COADY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 721.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 721) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the Treasury Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Page 2, line 3, strike out the word "duty" and insert in lieu thereof the word "duties."

PURPOSE OF THE BILL.

The purpose of the bill is to provide two additional administrative divisions in the Bureau of the Public Health Service to meet the increasing work of the service for the general purposes specified. The performance of these duties by the service was authorized in the act of August 14, 1912.

NEED FOR ADDITIONAL DIVISIONS.

The importance of mental hygiene as a national problem is evidenced by the definite record of over 187,000 mental defectives domiciled in institutions in the United States Studies of the causes and methods for the prevention of mental disorders and the best methods for their care are obviously a function which can be performed more advantageously by the central public health authorities than by those of the separate States. Important phases of the insanity problem

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with which the Public Health Service is already dealing are those which pertain to the mental condition of immigrants and the occurrence of insanity among pellagrins, and this service now has a number of men trained especially for duty in the field of mental hygiene.

Over 50 per cent of the population of the United States is rural. The advancement of sanitation in rural districts in recent years has by no means kept pace with the progress in urban communities. Notwithstanding the many natural advantages of country life, from a health standpoint, certain diseases dependent upon insanitary conditions have a higher rate of prevalence in our country districts than in our cities.

Between the rural and urban communities there is a free interchange of infections. Thus rural sanitation affects the general welfare of the whole population.

The securing of adequate local health organizations for the rural districts comes more slowly and is relatively more costly than is the case for the cities. The advancement of rural sanitation now depends largely, and probably for some time will depend largely, upon the conception of the importance of and the installation of sanitary improvements by the individual citizen. Such progress depends upon public health education.

The Public Health Service has a force of men trained for and engaged in field and laboratory studies of rural sanitation. With the forces of the Public Health Service engaged in collecting data on both mental hygiene and rural sanitation, the creation of additional divisions in the central bureau to direct the work, compile, correlate, and publish the data, and so serve as clearing houses for these vitally important lines of study, appears at this time to be strongly indicated.

COST OF PROPOSED MEASURE.

The enactment of the bill will entail an increase in expenditures of about $7,400 per annum, as is shown by the following statement:

2 assistant surgeons general, at $900 when promoted from grade of surgeon	$1,800
2 clerks, at $1,600	3,200
2 clerks, at $1,200	2,400
Total	7,400

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 7, 1916.

The CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
United States House of Representatives.

SIR: I have the honor to acknowledge the receipt of your communication of the 21st ultimo inclosing copy of bill (H. R. 721) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service, and requesting the views of the department concerning this measure.

This bill is identical with bill H. R. 16637, which was introduced at the last session of the preceding Congress and acted upon favorably by the House of Representatives. Its essential object is to provide improved administrative facilities for carrying on systematic studies in mental hygiene and rural sanitation for which authority already has been given in law.

It is conservatively estimated that there are now in the United States 250,000 insane persons and 300,000 mental defectives. The influence of these abnormal states on the production of pauperism and criminality and on race development require systematic investigation to determine their causes and methods of prevention. The social, economic, and public-health problems involved affect not only each

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State, but the Nation as a whole. Some studies are now being made, but they should be extended, and there is need of correlating all existing data in order that they may be made available to protect the mental health of the public at large and to ameliorate conditions among those already suffering from mental disorders. This work can well be done through a division such as is contemplated.

Enlarged facilities are also needed in the central bureau of the Public Health Service with which to advance rural sanitation. Studies of this subject, with special reference to typhoid fever, malaria and other diseases, are now under way, and the work is of such volume as to require an additional division for its proper conduct. Over 50 per cent of the total population of the United States is rural. Urban centers are far ahead of rural communities in measures for the protection of the public health. These latter should, therefore, be the particular object of attention of the Federal and State Governments from a public-health standpoint.

The creation of the two divisions contemplated will in reality provide for rearrangement of present work and the assignment of one additional medical officer for each division to carry on the work, which officers are already in the employ of the Government. With the exception of the employment of additional necessary clerks, for which there is already authority in law, there would be little additional expense, and the enactment of the bill into law would be a further step in improving public-health organization. I am heartily in favor of the measure, therefore, and strongly urge that bill H. R. 721 be enacted into law.

Respectfully,

W. G. McAdoo, *Secretary*.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 463.

PERPETUAL CARE OF HURON CEMETERY.

APRIL 1, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 10989.]

The Committee on Indian Affairs, to whom was referred the bill H. R. 10989, being a bill making an appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans., having carefully considered the same, recommends that the bill be amended, and that as so amended the bill do pass.

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the preservation and improvement of Huron Cemetery, a tract of land in the city of Kansas City, Kansas, owned by the Government of the United States, the use of which was conveyed by treaty to the Wyandotte Tribe of Indians as a cemetery for the members of said tribe: *Provided*, That the authorities of Kansas City, Kansas, will construct and maintain all necessary retaining or outside walls along all the boundaries of said cemetery abutting on streets: *And provided further*, That said tract shall remain perpetually as a cemetery exclusively for the use of the Wyandotte Tribe of Indians and their descendants, and the right of burial in said cemetery for any Indian of the Wyandotte Tribe, or any descendant of said tribe, shall not be infringed.

The bill as amended will read as follows:

H. R 10989, Sixty-fourth Congress, first session.]

A Bill Making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the preservation and improvement of Huron Cemetery, a tract of land in the city of Kansas City, Kansas, owned by the Government of the United States, the use of which was conveyed by treaty to the Wyandotte Tribe of Indians as a cemetery for the members of said tribe: *Provided*, That the authorities of Kansas City, Kansas, will construct and maintain all necessary retaining or outside walls along all the boun-

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daries of said cemetery abutting on streets: *And provided further*, That said tract shall remain perpetually as a cemetery exclusively for the use of the Wyandotte Tribe of Indians and their descendants, and the right of burial in said cemetery for any Indian of the Wyandotte Tribe, or any descendant of said tribe, shall not be infringed.

The following letter of the Secretary of the Interior explains the purpose for the legislation and the favorable attitude of the Interior Department toward the same, and is hereby made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1916.

MY DEAR MR. STEPHENS: I am in receipt for report, by your reference of February 11, 1916, of H. R. 10989, a bill making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans.

By article 2 of the treaty of January 31, 1855 (10 Stats., 1159–1160), the Wyandotte Nation ceded and relinquished to the United States all their right, title, and interest in and to a certain tract in the fork of the Missouri and Kansas Rivers which was purchased by them from the Delaware Indians, but expressly excepted from said cession the lands embraced in the cemetery grounds, which by the terms of the treaty were permanently reserved and appropriated as a burial ground for the Wyandotte Indians

The act of June 21, 1906 (34 Stats., 348–349), authorized the Secretary of the Interior to sell and convey the lands embraced in the cemetery under such rules and regulations as he might prescribe, and also conferred authority for the removal of the remains of persons interred therein and their reinterment in the Wyandotte Cemetery at Quindaro, Kans. Subsequently a commission was appointed to appraise the land and to sell it to the highest bidder for cash. The commission was later dismissed without effecting a sale, and the act of June 21, 1906, supra, authorizing the sale was repealed by the act of February 13, 1913. (37 Stats., 668.)

Inasmuch as the bill under consideration proposes to improve, preserve, and perpetually care for the cemetery grounds which were set apart for the Wyandotte Indians by the treaty of 1855, I am in favor of an appropriation being made for this purpose, but suggest that the amount authorized be not more than $25,000. I am also of the opinion that the people of Kansas City should share in the expense of the improvement of the grounds, for the reason that it is located in the heart of the city and the city will naturally be benefited if the cemetery is improved and cared for as proposed. I do not think, however, that the bill should carry a continuing appropriation of $500 annually or any other sum.

I therefore suggest that the bill be amended by inserting $25,000 in lieu of $50,000 in line 3, and that all after the word "tribe" in line 10 be eliminated and in lieu thereof the following substituted:

"*Provided*, That the authorities of Kansas City, Kan., will construct and maintain all necessary retaining or outside walls."

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs, House of Representatives.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 464.

EXCHANGE OF LANDS WITH THE STATE OF NORTH DAKOTA.

APRIL 1, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SINNOTT, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 393.]

The Committee on the Public Lands, to which was referred the bill (H. R. 393) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes, having had the same under consideration, beg leave to report it back to the House with the following amendments:

Amend, on page 1, line 5, by striking out the words "January twenty-sixth" and substituting in lieu thereof "February fifth."

Amend, on page 1, line 10, by inserting, after the word "vacant," the words "surveyed, unreserved"; and when so amended recommends that the bill do pass.

The bill as amended will read as follows:

A Bill (H. R. 393) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February fifth, nineteen hundred and fifteen, reconveying to the United States title to section sixteen, township one hundred and thirty-eight north, range eighty-one west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding one thousand two hundred and eighty acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, North Dakota.

This bill provides for an exchange of land between the State of North Dakota and the United States. Section 16, township 138 north, range 81 west, fifth principal meridian, the land the title to which is to be reconveyed by the State of North Dakota to the United States, is located about 2 miles south of the Northern Great Plains Field

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Station, near Mandan, N. Dak. The Department of Agriculture has found that it will be necessary to have an additional section of land in order to carry out successfully its experiments in dry-land agriculture. The Legislative Assembly of North Dakota, desiring to encourage the work being done by the Government at the Northern Great Plains Field Station, in accordance with the request of the superintendent of the Northern Great Plains Field Station, on February 5, 1915, passed the following bill:

SENATE BILL NO. 43, INTRODUCED BY MR. MARTIN.

A Bill For authorizing the Board of University and School Lands of the State of North Dakota to deed to the United States Government section 16, township 138 north, range 81 west of the fifth principal meridian.

Be it enacted by the Legislative Assembly of the State of North Dakota: SECTION 1. That the Board of University and School Lands of the State of North Dakota are hereby authorized to patent to the United States Government section sixteen, township one hundred and thirty-eight north, of range eighty-one west, of the fifth principal meridian: *Provided*, That the United States Government shall authorize and empower the Board of University and School Lands of the State of North Dakota to select from vacant public lands within the State of North Dakota lieu lands in exchange for said section: *And provided further*, That as the vacant public lands remaining in North Dakota are rough lands and of much less value than the lands proposed to be patented to the United States Government that therefore the United States Government shall in exchange for the section of land as proposed give to the State of North Dakota not less than two sections of land.

SEC. 2 (emergency). Whereas it is necessary to have this section of land patented to the United States Government as soon as possible, therefore this act shall take effect immediately upon its passage and approval.

In a letter dated February 12, 1915, to Representative Norton of North Dakota, the Secretary of Agriculture, Mr. Houston, states the following:

The department is advised by Mr. W. A. Peterson, superintendent of the Northern Great Plains Field Station, at Mandan, N. Dak., that the governor of the State of North Dakota, on January 26, 1915, approved an act of the legislative assembly, authorizing the Board of University and School Lands to deed to the United States section 16, township 138 north, range 81 west, fifth principal meridian, which is necessary for the use of this department to enable it to carry out successfully its experiments in dry-land agriculture at the field station above named. The proposed exchange is conditioned upon the consent of the United States to the State's selection of two sections of public land within the State, in lieu of the land above described. Mr. Peterson advises the department that since, as stated in the act of the assembly, the vacant public lands in the State are rough and less valuable than the section in question, the State's proposition is very reasonable and the exchange would be very advantageous to the United States.

It appears that the land in said section 16, township 138, range 81 west, fifth principal meridian, is worth about $30 an acre. The very best of the unappropriated public lands now remaining in North Dakota are worth considerably less than $15 an acre.

The bill has the approval of both the Secretary of the Interior and the Secretary of Agriculture, as shown by the following letters addressed to the chairman of the committee:

DEPARTMENT OF AGRICULTURE,
Washington, February 7, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

DEAR MR. FERRIS: I have your letter of January 27 transmitting a copy of H. R. 393, "A bill to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes," and requesting a report thereon.

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This bill is identical with H. R. 21450, introduced in the House on February 13, 1915. An examination of the laws of North Dakota shows that the act referred to in the bill was approved on February 5, 1915, instead of January 26, 1916. It is suggested, therefore, that the bill be changed accordingly.

When the above change shall have been made the bill will then be identical with Senate bill S. 592, introduced in the Senate December 7, 1915, by Mr. Gronna, with the exception that the words "surveyed" and "unreserved" appear in the Senate bill in line 10 between the words "vacant" and "unoccupied." It is suggested that this change be made in H. R. 393, so that the two bills now before Congress will be identical. The addition of these words will not materially affect the purposes of the bill; they simply restrict the class of land from which selection may be made.

The Legislature of North Dakota passed an act authorizing the Board of University and School Lands of the State of North Dakota to deed to the United States Government section 16, township 138 north, range 81 west, fifth principal meridian. The act was approved February 5, 1915, and was conditioned upon the United States authorizing the board to select from vacant public lands within the State lieu lands in exchange for the section. The department now has two leases covering separate portions of the section, one of which will expire on March 31, 1916, and the other on June 30, 1916. The latter, however, is renewable to June 30, 1919. The land in question is needed by the department in connection with certain work now being conducted at the Northern Great Plains Field Station, Mandan, N. Dak. The work is investigational in character and it is very important that the land should be under the control of the department, so that it may continue for a long period without interruption; otherwise much of the value of the work would be lost.

H. R. 21450 was approved by the department and referred by it to the Department of the Interior for consideration. I am inclosing herewith a copy of the letter, dated February 11, 1915, of the Assistant Secretary of the Interior, indicating his approval of the proposed legislation. In view of the fact that S. 592 is substantially similar to H. R. 21450, the department recommends its approval by the Congress.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

(Copy.)

DEPARTMENT OF THE INTERIOR,
Washington, February 11, 1915.

DEAR MR. SECRETARY: The Commissioner of the General Land Office has advised me of a recent conference with Prof. E. C. Chilcott, agriculturist in charge of dry-land agriculture investigations, Bureau of Plant Industry, your department, who was introduced by Mr. Taylor, chief of that bureau, in relation to certain proposed legislation whereby the State of North Dakota will be authorized to select 2 sections of public lands in lieu of 1 section to be deeded by the State to the United States for the use of the Department of Agriculture.

The purpose of the proposed legislation, as explained by Prof. Chilcott, is commendable, and I can see no objection to favorable action by Congress. The papers left with the commissioner by Prof. Chilcott have been filed and you may be assured the matter will be given prompt attention when report is requested by Congress.

Cordially, yours,

A. A. JONES, *First Assistant Secretary.*

The SECRETARY OF AGRICULTURE.

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of the request of your committee for report on House bill 393, entitled "A bill to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes."

In response, I have to state that the provisions of this bill are identical with those of Senate bill 592, upon which I submitted report under date of January 7, 1916, copies of which are herewith inclosed.

Cordially, yours,

FRANKLIN K. LANE, *Secretary*

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DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1916.

HON. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of the request of your committee for report on S. 592, a bill entitled "A bill to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes."

In response, I have to state that the provisions of this bill are identical with those of S. 7648, Sixty-third Congress, third session, introduced by the same author, except that in line 10, after the word "vacant," the words "surveyed, unreserved" have been inserted. This amendment was suggested in my report of February 25, 1915, recommending favorable action on said bill.

I inclose herewith a copy of my said report of February 25, 1915, thereon.

From correspondence and memoranda on file in this department, in connection with the original bill, it appears that the Secretary of the Department of Agriculture considers the school section 16 described in the bill necessary for the use of that department to enable it to carry out successfully its experiments in dry-land agriculture at the Northern Great Plains Field Station, at Mandan, N. Dak.

In view thereof, I recommend that the bill be passed.

Very truly, yours,

FRANKLIN K. LANE.

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1915.

HON. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: In response to your request for a report on Senate bill 7648, proposing to authorize an exchange of lands with the State of North Dakota for the promotion of experiments in dry-land agriculture, and for other purposes, I have the honor to report as follows:

Section 16 in township 138 north of range 81 west, fifth principal meridian, which the State proposes to reconvey to the United States under the terms of the bill, was surveyed in 1878, and so far as the records of the General Land Office show at this time title to the lands in said section appears to have passed to the State upon its admission into the Union as a part of its grant for the support of common schools.

The lands were withdrawn as chiefly valuable for coal by Executive order dated July 7, 1910, but were classified as noncoal lands by Executive order of June 7, 1913. There are no other withdrawals or reservations of record at this time affecting said lands.

In view of the foregoing, and of the fact that the object of the proposed legislation is a worthy one, I recommend the passage of the bill, providing same be amended by inserting in line 10 thereof, after word "vacant," the words "surveyed, unreserved."

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

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64TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 465

BRIDGE ACROSS BRAZOS RIVER, TEX.

APRIL 1, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 12362.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 12362) granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River in the State of Texas, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Page 1, line 6, after the word "point," insert the words "suitable to the interests of navigation."

WAR DEPARTMENT,
Washington, March 11, 1916.

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

MY DEAR SIR: I beg to acknowledge your reference to this department of House bill No. 12362, current session of Congress, granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas.

The necessity for the passage of the bill is not apparent, inasmuch as the Brazos River lies wholly within the limits of the State of Texas, and under the general law contained in section 9 of the river and harbor act approved March 3, 1899, a bridge may be built thereover under authority of the laws of that State, provided the plans are submitted to and approved by the Chief of Engineers and the Secretary of War before construction is commenced.

The bill, however, is in the usual form adopted by Congress for such measures, and with slight amendment, which has been indicated thereon, will amply provide for the protection of navigation interests. So far as those interests are concerned, I know of no objection to the passage of the bill should its enactment by Congress be desired.

Very respectfully,

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. } REPORT No. 466.

BRIDGE ACROSS THE WABASH RIVER, WABASH, IND.

APRIL 1, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13669.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13369) to authorize the county of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind., having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Page 1, line 4, after the word "bridge," insert the words "and approaches thereto."

Page 1, lines 7 and 8, strike out the words "approved June twenty-third, nineteen hundred and ten."

Page 1, line 9, strike out the words "amend an act entitled 'an act to.'"

Page 1, line 10, strike out the words "dams across" and insert in lieu thereof the words "bridges over."

Page 1, lines 10 and 11, strike out the words "June twenty-first" and insert in lieu thereof the words "March twenty-third."

WAR DEPARTMENT, *March 28, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that H. R. 13669, Sixty-fourth Congress, first session, "To authorize the County of Wabash, in the State of Indiana, to construct a bridge across the Wabash River, at the city of Wabash, Ind.," if amended as indicated in red on the accompanying copy, makes ample provision for the protection of the interests committed to the War Department; and, as thus amended, the department knows of no objection to the favorable consideration of the bill by Congress, so far as those interests are concerned.

J. B. RANDOLPH,
Acting Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 467.

TO AMEND SECTION 99, CHAPTER 231, LAWS RELATING TO THE JUDICIARY.

APRIL 1, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CARAWAY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 11878.]

The Committee on the Judiciary, to whom was referred the bill H. R. 11878, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Strike out the word "Northeastern," in line 9, page 2, and insert the word "Northwestern."

At the end of the bill add the following words:

Provided, That the Government of the United States shall incurr no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room.

STATEMENT.

The new division provided for in this bill, to be known as the central division, will include eight counties, three of the counties being taken from the southeastern division, one from the northwestern division, and four from the southwestern division.

After the boundaries of the different divisions are changed by the passage of this bill the population of each division will be as follows:

Southeastern division, 109,102; northwestern division, 90,716; southwestern division, from which most of the population of the new division is taken, 146,896; the central division (created by this bill), 85,316.

Jamestown is a city of about 6,000 population, located about midway between Fargo and Bismarck, where terms of the United States court are now held. The distance to Fargo is 92 miles and to Bismarck 102 miles.

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The population of the different counties in the proposed central division is as follows:

Dickey, 10,094; Eddy, 5,684; Foster, 6,054; Griggs, 6,567; Lamoure, 11,453; Sheridan, 8,169; Stutsman, 24,091; Wells, 13,204.

The population of North Dakota is likely to increase rapidly in the future, judging from the fact that it was the fifth State in point of increase of population during the period from 1900 to 1910, and also from the fact that less than two-fifths of the area of North Dakota is now under cultivation.

The towns within the proposed central division are for the most part located upon branch lines, not only long distances from the present places for holding United States court, but the railroad connections and train schedules are inconvenient. The following tabulation will show the distance from one point in each of the counties to the present place of holding court and the reduced mileage to Jamestown, the proposed new place for holding a term of court:

	Miles.
La Moure, Lamoure County, to Fargo	88
La Moure, Lamoure County, to Jamestown	49
Monango, Dickey County, to Fargo	124
Monango, Dickey County, to Jamestown	85
Mose, Griggs County, to Bismarck	183
Mose, Griggs County, to Jamestown	81
Carrington, Foster County, to Bismarck	146
Carrington, Foster County, to Jamestown	44
New Rockford, Eddy County, to Devils Lake	78
New Rockford, Eddy County, to Jamestown	60
Harvey, Wells County, to Bismarck	190
Harvey, Wells County, to Jamestown	88
Pingree, Stutsman County, to Bismarck	102
Pingree, Stutsman County, to Jamestown	21
McClusky, Sheridan County, to Bismarck	209
McClusky, Sheridan County, to Jamestown	107

All points in Griggs County will be made still closer to Jamestown by the new Midland Continental Railway now constructed north as far as Wimbledon.

The members of the bar located within the proposed central district are favorable to the passage of the bill.

United States Judge Amidon, Melvin E. Hildreth, United States attorney, and John Carmody, assistant United States attorney for North Dakota, have recommended its passage.

The establishment of a term of court at Jamestown will, in the judgment of the committee, for the reasons stated, result in a saving of both time and money to litigants, and the passage of the bill is recommended.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 468.

TENTS FOR CONFLAGRATION SUFFERERS.

APRIL 1, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. NICHOLLS of South Carolina, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 13769.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 13769) to authorize the Secretary of War to supply tents for temporary use of the sufferers from the recent conflagration in Paris, Tex., and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out the word "food" in line 12 and insert the words "and such supplies as in the judgment of the War Department are necessary."

The following letters and telegrams are attached as part of this report:

WAR DEPARTMENT,
Washington, March 30, 1916.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

SIR: I have the honor to return herewith bill H. R. 13769, Sixty-fourth Congress, first session, authorizing the Secretary of War to supply tents for temporary use of the sufferers from the recent conflagration in Paris, Tex., and for other purposes, and to advise you that if an appropriation in the sum of $60,000, as contemplated by the bill, is made, this amount, together with the amount which it is understood has been subscribed by the citizens of Paris, Tex., and vicinity, will be ample to cover the cost of the tents, blankets, cots, and food necessary to relieve the sufferers.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

[Telegram.]

PARIS, TEX., *March 24, 1916.*

THE ADJUTANT GENERAL,
Washington, D. C.:

Paris, Tex., has population about 16,000, with 10,000 white and 6,000 colored. Value of property destroyed about $14,000,000, or about 80 per cent of total value of buildings and personal property of city. White persons homeless, about 4,000;

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colored, 4,000. Nearly all these people lost all household goods. Of this number about 4,500 are indigent citizens of Paris. Have furnished emergency shelter for about 6,000 and emergency food supplies for all. Total contributions by citizens, $25,000; contributed by neighboring cities, about $12,000.

Governor has asked your authority to issue tentage; I do not know how much he has. Rations and shelter required as follows: Rations, 800 persons 60 days, and 1,500 persons 30 days; total, 93,000 rations at 30 cents, value $27,900. Food can be bought within 100 miles. Shelter required for 5,000 persons if large pyramidal tents are used, value, $42,000. Cots for 6,000 at $2 is $12,000. Blankets for 2,000 persons at $2 is $4,000. Freight, $600. Expense of distribution $500. Total, $87,000. On hand, $37,000; to be supplied, $50,000. Officials and other leading citizens are devoting attention to relieving public distress to the neglect of their own urgent affairs.

In view of their serious private losses the contributions are very liberal, and to double them would be more than should be expected of a stricken community of this size. The necessity is urgent and I strongly recommend Federal aid. As the shelter should last longer than the life of tents and be semi-permanent, it is recommended that tentage be not furnished, but that a slightly increased money equivalent be given for construction of shacks from paper and cheap lumber. I recommend emergency allotment of $60,000 under appropriations covering above-mentioned purposes. As I am quartermaster the funds can be invoiced to me. I am working with local committees and will so continue until further orders.

PICKERING.

[Telegram.]

PARIS, TEX., *March 24, 1916.*

Hon. EUGENE BLACK,
House of Representatives, Washington, D. C.,

Capt. Pickering, of the United States Army, under orders from War Department, has sent to Washington to-night his report. Our relief committee urges upon you, as their Representative, to secure the aid of all Texas Congressmen to secure at once an emergency appropriation to cover the required quick relief to a situation resultant of the most disastrous conflagration that has ever occurred in the South, which equals 80 per cent of the value of the personal property and buildings in Paris. Please see all Texas Congressmen and have action taken at once. We have 8,000 homeless people to take care of, about equally divided, white and black. Immediate action absolutely necessary. Kindly wire relief committee here program.

RELIEF COMMITTEE OF CITY OF PARIS.

(J. J. Culbertson, H. P. Mayer, W. M. Milling, H. G. Armstrong, T. L. Beauchamp, E. H. McCuistion, W. A. Collins, T. J. Record, H. L. Baker.)

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 469.

WATER SUPPLY OF BLACK HAWK, COLO.

APRIL 3, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 11472.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 11472) to reserve certain lands and make them a part of the Pike National Forest, having had the same under consideration, recommend that the bill do pass.

This bill was referred to the Department of the Interior and to the Department of Agriculture for report, and the reports thereon very fully set forth the object and purpose of the bill and the desirability of this legislation, and your committee believes, from both of those reports and the statements of the Representatives from Colorado, that the city of Black Hawk is eminently entitled to this consideration. The reports referred to are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request for report on H. R. 11472, to reserve certain lands in Colorado and make them a part of the Pike National Forest, subject to prior valid adverse rights.

The lands proposed to be so reserved are secs. 19 and 30, T. 2 S., R. 72 W., sixth principal meridian, and adjoin the national forest on the east. The records of the General Land Office show that such sections were surveyed in 1870, are generally rough and mountainous, and that when surveyed the timber thereon had been practically cleared for use in the mines of Central and Black Hawk; that such sections have an aggregate area of 1,292 acres, 400 acres therein being embraced in final entries, 80 acres in a recent final homestead, and the remainder in old preemption cash entries, and that 120 acres are subject to the right of way of the Gilpin & Clear Creek Railway. H. R. 653, introduced December 6, 1915, proposes to grant to the city of Black Hawk the right to purchase a portion of the land, namely, S. ½ NE. ¼, S. ½ NW. ¼, W. ½ SW. ¼ sec. 19, N. ½ NE. ¼ NW. ¼, and N. ½ SW. ¼ sec. 30, 569.02 acres, for the protection of its water supply, and the lands are now withdrawn in aid of such legislation.

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I see no objection to the proposed legislation or to the form of the bill, but I am without information as to the necessity therefor. As the national forest is under the administration of the Secretary of Agriculture, I would suggest that the bill be referred to him for report and recommendation.

Very truly, yours,

(Signed) FRANKLIN K. LANE, *Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, February 26, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

DEAR MR. FERRIS: I wish to acknowledge receipt of the copy of the bill (H. R. 11472) to reserve certain lands and make them part of the Pike National Forest, Colo., with the request that your committee be sent such recommendations as this department may desire to make.

From the forest officers it is learned that the purpose of the proposed addition is to protect the intakes and pipe lines of the water-supply system which supplies the town of Black Hawk, Colo. The two sections which it is proposed to add are mountainous land, in part covered with timber, and are of the general character which would be classified as suitable for inclusion within a national forest, irrespective of the special purpose for which their inclusion is now desired by the citizens of Black Hawk.

The bill provides for the addition of the entire area of both sections. As a matter of fact, parts of each section are alienated, but this feature is provided for by the language of the bill, which restricts its effect to unappropriated public lands. Moreover, it is understood that the patented land in section 19 now belongs to the city of Black Hawk, and that the alienated areas in section 30 belong to individuals from whom the city expects to purchase.

The watersheds of more than 1,100 municipalities in the West are within the national forests. Many of these are given special protection from grazing and from other uses, which might pollute the water supply, through the medium of the patrol afforded by the Forest Service and by special regulations of this department. The desire of the city of Black Hawk for this addition is evidently founded upon the satisfactory experience of other municipalities.

Since the inclusion of these areas will not add appreciably to the cost of administering the Pike National Forest and because of the additional protection which could be given the municipal water supply, this department approves of the passage of the bill.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 470.

WISCONSIN BAND OF POTTAWATOMIE INDIANS.

APRIL 3, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DILL, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 1776.]

The Committee on Indian Affairs, to whom was referred the bill H. R. 1776, being a bill for the relief of the Wisconsin Band of Pottawatomie Indians, having carefully considered the same, recommends that the bill be amended, and that as amended the bill do pass.

Amend the bill by striking out all after the enacting clause on page 1, down to and including line 14 on page 2, and insert in lieu thereof the following:

That for the purpose of carrying into effect the act of June twenty-fifth, eighteen hundred and sixty-four (Thirteenth Statutes at Large, page one hundred and seventy-two), and the act of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan the amount of money which shall be found as a balance due to the said Wisconsin Band of Pottawatomie Indians by the Secretary of the Interior, said balance to be determined as follows: By computing the interest on the original sum of $447,339, declared to be due said Pottawatomie Indians at the rate of four per centum per annum from April first, nineteen hundred and eight, to April fourth, nineteen hundred and ten, and on the balance thereafter found by deducting the various amounts spent out of the appropriations made by Congress for the said Pottawatomie Indians under the act approved April fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page two hundred and eighty-eight), act approved August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and thirty-nine), act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), act approved August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and six), joint resolution approved March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, page twelve hundred and twenty-eight), act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), said interest to be computed at the rate of four per centum on balance due said Indians between the dates of said acts of Congress and to July first, nineteen hundred and sixteen, as the proportionate share of the said Wisconsin Band of the Pottawatomie Indians in the annuities and the land

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of the Pottawatomie Tribe in which they have not shared, as set forth in the report of the Secretary of the Interior to the House of Representatives, embodied in House Document Numbered eight hundred and thirty, Sixtieth Congress, first session, confirmed in part by the act of Congress of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), appropriating the sum of $150,000 on account. Said sum shall draw interest at the rate of four per centum per annum. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes aforesaid, the amount of the balance found to be due to said Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, as computed by the Secretary of the Interior by the method hereinbefore set forth: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to pay Erik O. Morstad, of Carter, Wisconsin, who has lived with and cared for said Indians for many years, the sum of $5,000, said sum to be paid from the amount placed to the credit of said Pottawatomie Indians.

So that the bill as amended will read:

[H. R. 1776, Sixty-fourth Congress, first session.]

A BILL For the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying into effect the act of June twenty-fifth, eighteen hundred and sixty-four (Thirteenth Statutes at Large, page one hundred and seventy-two), and the act of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of that portion of the Wisconsin band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan the amount of money which shall be found as a balance due to the said Wisconsin Band of Pottawatomie Indians by the Secretary of the Interior, said balance to be determined as follows: By computing the interest on the original sum of $447,339, declared to be due said Pottawatomie Indians at the rate of four per centum per annum from April first, nineteen hundred and eight, to April fourth, nineteen hundred and ten, and on the balance thereafter found by deducting the various amounts spent out of the appropriations made by Congress for the said Pottawatomie Indians under the act approved April fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page two hundred and eighty-eight), act approved August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and thirty-nine), act approved June thirtieth, nineteen hundred and thirteen(Thirty-eighth Statutes at Large, page one hundred and two), act approved August first, ninteeen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and six), joint resolution approved March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, page twelve hundred and twenty-eight), act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), said interest to be computed at the rate of four per centum on balance due said Indians between the dates of said acts of Congress and to July first, ninteeen hundred and sixteen, as the proportionate share of the said Wisconsin Band of the Pottawatomie Indians in the annuities and the land of the Pottawatomie tribe in which they have not shared, as set forth in the report of the Secretary of the Interior to the House of Representatives, embodied in House Document Numbered Eight hundred and thirty, Sixtieth Congress, first session, confirmed in part by the act of Congress of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), appropriating the sum of $150,000 on account. Said sum shall draw interest at the rate of four per centum per annum. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes aforesaid, the amount of the balance found to be due to said Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, as computed by the Secretary of the Interior by the method hereinbefore set forth: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to pay Erik O. Morstad, of Carter, Wisconsin, who has lived with and cared for said Indians for many years, the sum of $5,000, said sum to be paid from the amount placed to the credit of said Pottawatomie Indians.

SEC. 2. That from the sum placed to the credit of said Pottawatomie Indians the Secretary of the Interior is hereby directed to pay to the legal representatives of R. V. Belt, deceased (Mrs. Joanna Belt and William O. Belt), in full settlement of the claim of said R. V. Belt, against said Indians, such sum as the Court of Claims, to which the matter of fees of the attorneys for the Wisconsin Band of Pottawatomie

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Indians is hereby referred for judgment, shall find to be due the said R. V. Belt and his associates on a quantum meruit for their services in the prosecution of said claim under a contract with representatives of the Wisconsin Band of Pottawatomies, approved by the Commissioner of Indians Affairs, for fifteen per centum on the first day of November, nineteen hundred and two. Suit for said attorneys' fees shall be filed in the Court of Claims within ninety days from the date of approval of this act by petition verified by the legal representatives of the estate of said R. V. Belt, deceased, shall be defended by an attorney to be designated by the Attorney General, and the Court of Claims shall render judgment as upon a quantum meruit for such sum as it shall deem just, after consideration of all services rendered in prosecution of said claim by R. V. Belt and his associates and of the contract approved as aforesaid by the Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Washington, February 3, 1916.

DEAR MR. STEPHENS: With your letter of January 4, 1916, you submitted copy of H. R. 1776, "For the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes," with the request that I cause a report to be made thereon for the use of your committee.

The purpose of the bill is to cause to be placed in the Treasury of the United States to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan the sum of $427,795, being the balance of the principal due as the proportionate share of these Indians in the annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in the report of the department embodied in House Document 830 (60th Cong., 1st sess.).

The provisions of this bill are identical with those of H. R. 9908 (63d Cong., 2d sess.), upon which report was made (copy herewith) January 30, 1914.

Since the date of that report the parties interested have filed additional statement dated January 5, 1916 (copy inclosed), stating more fully the service rendered.

After considering the additional arguments presented I have concluded that there is no serious objection to submitting the claim of these attorneys to the Court of Claims, as proposed in the bill now here. It is noted, however, that this bill repeats the same errors pointed out in the report of January 30, 1914. In line 12, page 1, the figures "$427,795" should be stricken out and in lieu thereof the figures "$426,672.33" should be inserted. In line 7, page 2, the word "two" should be stricken out and in lieu thereof the word "eight" should be inserted.

The Rev. Morstad, a missionary, has lived the greater part of his life among these Indians, rendering them valuable assistance. I am still of the opinion that he should be awarded a sum in partial recognition of these services. The Indians, I am advised, are entirely agreeable to this. I, therefore, suggest at the end of section 1 there be inserted as a part of that section substantially the following:

"*Provided*, That the Secretary of the Treasury is hereby authorized and directed to pay Erik O. Morstad, of Carter, Wis., who has lived with and cared for said Indians for many years, the sum of $5,000, said sum to be paid from the amount placed to the credit of said Pottawatomie Indians."

The reward thus to be paid to Rev. Morstad should not, in my opinion, be made conditional upon a fee being awarded to the attorneys.

If this bill, H. R. 1776, be amended in the particulars suggested, no objection would be offered by this department to its enactment.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs, House of Representatives.

The Pottawatomie Indians referred to in this bill comprise certain members of what was formerly known as the United Pottawatomie Nation of Indians, who did not remove west of the Mississippi River with other members of the tribe. The Pottawatomie Indians formerly occupied territory of the United States lying in the State of Ohio and south of the Great Lakes. Treaties were made by the United States around the year 1800 with the Pottawatomie Indians providing for

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the cession of lands of the Pottawatomie Indians in the States of Ohio and Indiana, and in return for cessions of land held by the Indians the Government of the United States guaranteed certain annuities in perpetuity or otherwise to the Pottawatomie Indians as a nation. The present claimants are descendants of some of these members of the United Pottawatomie Nation. Between 1795 and 1833 other treaties were made with the United Pottawatomie Nation whereby large cessions of land were obtained from the Indians and solemn and binding obligations were contracted between the United States and the Indians whereby the United States agreed to give the United Nation of Pottawatomie Indians other perpetual annuities to be equally divided in accordance with Indian customs among all the members of the nation. By these several treaties the United States recognized the title of the Pottawatomie Indians to various lands to which the Pottawatomies agreed to and did remove in what are now the States of Michigan, Indiana, Illinois, and Wisconsin.

In the year 1830 the Pottawatomie Indians, by reason of various cessions of land which they had made to the Government of the United States, and by reason of settlements which had been made in the country they occupied, were divided into a number of bands and distinct tribes occupying defined territory in Wisconsin, Illinois, Michigan, and to some extent Indiana, near the shores of Lake Michigan.

By an act of Congress approved May 28, 1830 (4 Stats., 411), it was directed that treaties should be negotiated with Indian tribes holding lands east of the Mississippi River, these treaties to provide for an exchange of lands which the Indians held east of the Mississippi River and their removal to the then unoccupied domain west of the Mississippi River. The act provided for an exchange of lands, and by section 3 thereof the President was directed to solemnly assure the tribes agreeing to make the exchange of lands "that the United States will forever secure and guarantee to them and their heirs or successors the country so exchanged with them, and if they prefer it that the United States will cause a patent or grant to be made and executed to them for the same." The act also provided that the United States should undertake the work of settling the Indian emigrants in their new home.

Pursuant to this act of Congress various treaties were made with Indian tribes. These treaties provided in one form or another that the Indians removing west of the Mississippi River should acquire title in fee to their new homes, subject only to reversion to the United States in the event the Indians should become extinguished or abandon the same. Under the provisions of the act of 1830 the Five Civilized Tribes and various other Indians removed west of the Mississippi River and received in return for the cession of their lands east of the Mississippi River lands in the West and patents therefor or assurances of a permanent title equivalent to a title in fee by patent. By a treaty concluded September 26, 1833 (7 Stats., 431; 2 Kappler, 402), at the present city of Chicago, the Pottawatomie Indians ceded to the United States all of their lands along the western shore of Lake Michigan, and in consideration thereof the United States agreed to give them a new reservation of not less than 5,000,000 acres of land in the vicinity of the present city of Council Bluffs, Iowa. The United States also agreed in consideration of the exchange

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to make certain annual money payments to the Indians. The previous perpetual annuities, of course, likewise continued in force. The lands ceded were tribal lands held in common, and under the terms of the treaty negotiated at Chicago in 1833 each individual member of the nation was to receive his proportionate share in tribal lands or funds. The treaty provided that the Pottawatomies should receive the same title to their lands as was received by other Indian tribes exchanging their homes east of the Mississippi River for homes west of the Mississippi River, and, as heretofore shown, this title was to be a communal title in fee simple.

At the time the treaty of Chicago of 1833 was negotiated the Indians, as stated, were in detached bands, and those members of the nation living in the northern part of Wisconsin declared that there was no right in the bands which negotiated the treaty of 1833 to undertake to cede their homes and their lands in Wisconsin. After the treaty of Chicago of 1833, 14 separate treaties were made by the United States with separate bands, all providing for the removal of the Indians west of the Mississippi River, but none was made with the Wisconsin Pottawatomies separately.

By article 4 of the treaty of 1833 it was provided that the annuities due to the Indians "shall be paid at their location west of the Mississippi River." Quite a large number of the Indians, especially those in Wisconsin, refused to remove west of the Mississippi River. Article 4 had stated the place of payment of their annuities to be at their new location, the object of said article being to make an inducement to the Indians to remove west of the Mississippi River.

Many of the Wisconsin Pottawatomies refused to remove to the new home west of the Mississippi River; in fact, about 2,000 refused to go. The United States held that the treaty of 1833 had ceded their lands to the United States, and the Government of the United States took possession of the same and sold these lands as public domain to settlers. Thus, those Indians who elected to remain in Wisconsin lost all of their lands in the State of Wisconsin, and since then have eked a precarious existence and have been wanderers in the northern part of the State. The reason given by the Indians for refusal to remove was that the chiefs who had undertaken to negotiate the treaty of 1833 had no right to represent them or to attempt to cede their lands. The Government, however, as stated, held otherwise and took possession of the lands. Attempts were made to force the Wisconsin Bands of Pottawatomies to remove west of the Mississippi River, with the consequence that because of the drastic measures adopted about 1,500 of the 2,000 Indians referred to above fled to Canada. The Indian Office then forfeited the share in lands and funds secured to the tribe as a whole of those members of the Pottawatomies who refused to remove from the State of Wisconsin, and instead paid over the moneys and lands it held as a trustee for all of the Indians to those members who did remove west of the Mississippi River. The attention of Congress was called to the matter in 1864, and by act of June 25, 1864 (13 Stat., 172), Congress declared that no forfeiture had occurred and directed that the shares of those Wisconsin Pottawatomies who had not removed west of the Mississippi River should be withheld in the Treasury and retained to their credit until such time

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as they might remove to the then home of the tribe in Kansas. This act provided as follows:

To enable the Secretary of the Interior to take charge of certain stray bands of Winnebago and Pottawatomie Indians now in the State of Wisconsin, with the view to prevent any further depredations by them upon the citizens of that State, and for provisions and subsistence, $10,000: *Provided*, That the proportion of annuities to which said stray bands of Pattawatomies and Winnebagoes would be entitled if they were settled upon their reservations with their respective tribes shall be retained in the Treasury to their credit, from year to year, to be paid to them when they shall unite with their said tribes, or to be used by the Secretary of the Interior in defraying the expenses of their removal, or in settling and subsisting them on any other reservation which may hereafter be provided for them. (13 Stat., 172.)

The Indian Office continured to ignore the Wisconsin Band of Pottawatomies and forfeited all shares in tribal lands and funds of those Pottawatomies who continued to reside in Wisconsin or went to Canada. At this time practically the entire funds of the Pottawatomies have been disbursed and those members of the tribe who remained in Wisconsin have been deprived of any shares in the tribal lands and funds.

Your committee has carefully considered the treaties, the laws, and the facts set forth in the hearings on H. R. 1776 and is of the opinion that the United States as the guardian of the Wisconsin Band of Pottawatomie Indians now within the border of the United States should account to them for their just and proportionate share of the tribal lands and funds of the Pottawatomie Nation of Indians. These Indians are impoverished and are to a considerable extent a burden upon the State of Wisconsin. Your committee therefore recommends that Congress appropriate a sufficient sum of money to pay what is due the Pottawatomie Indians now resident in the States of Wisconsin and Michigan by placing to their credit the balance due them, said balance to be determined by the Secretary of the Interior as follows: By computing the interest on the original sum of $447,339 at 4 per cent per annum from April 1, 1908, to April 4, 1910, and on the balance thereafter found by deducting the amounts expended out of the appropriations made by Congress for the Pottawatomie Indians of Wisconsin under the—

Act Apr. 4, 1910 (36 Stat. L., 288)	$25,000
Act Aug. 24, 1912 (37 Stat. L., 539)	7,000
Act June 30, 1913 (38 Stat. L., 102)	7,000
Act Aug. 1, 1914 (38 Stat. L., 606)	7,000
Joint resolution Mar. 4, 1915 (38 Stat. L., 1228)	7,000
Act June 30, 1913 (38 Stat. L., 102)	150,000

said interest to be computed at the rate of 4 per cent to July 1, 1916. The reason for recommending that the rate of interest be 4 per cent is that most of the funds to the credit of various Indian tribes in the United States bear interest at the rate of either 3 per cent or 4 per cent, and there seems to be no good reason why the fund of the Pottawatomie Indians should bear interest at a higher rate.

Section 2 of the bill provides for the payment of the fees due the attorneys who have represented the Indians. The evidence shows that one of these attorneys had been engaged for more than 10 years in the prosecution of the claims of the Indians before his death in 1912, and that since 1905 two other attorneys have been engaged in assistance of the attorney having the contract with the Indians. It has further been shown to your committee that they have been com-

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pelled to secure assistance in various details of the matter from other persons. At the time that the contract of attorneyship was made the contract was submitted to the Commissioner of Indian Affairs. The contract was a wholly contingent one and provided, as made by the Indians, for a fee of 20 per cent of the recovery to the attorneys. The Commissioner of Indian Affairs after due consideration of the matter approved the contract with a reduction in the amount of compensation to a wholly contingent fee of 15 per cent, stating at the same time that the Indians had no just claim. This position the Indian Office and the Department of the Interior continued to assert until 1908.

Secretary Hitchcock declined to act at all upon the recommendation of the Commissioner of Indian Affairs because of the doubt expressed by the commissioner as to the necessity for any action and the same was returned to the files of the Indian Office. Since then the attorneys for the Indians have prosecuted the case of the Pottawatomies and Congress also passed an act under which an enumeration of the Wisconsin Pottawatomies and a thorough computation was made of the shares to which they are entitled. This work has extended over a period of nearly 14 years.

It was in 1902 that the Indian Office and the Interior Department reversed their position on the merits of the claim of the Pottawatomies and recognized its justice, and the Sixty-third Congress recognized the claim by securing an item of $150,000 in the Indian appropriation bill approved June 30, 1913 (38 Stats., 102; 3 Kappler, 586).

The Secretary of the Interior, in recommending favorably on bill H. R. 1776, also recommends that the claim for services made by the attorneys be referred to the Court of Claims for adjustment on a quantum meruit, and also that the Rev. E. O. Morstad be paid $5,000 for his services to the Indians. Your committee recommends that the recommendations of the Secretary be adopted.

In conformity with the views above expressed, your committee recommends a substitute for section 1, as follows:

That for the purpose of carrying into effect the act of June twenty-fifth, eighteen hundred and sixty-four (Thirteenth Statutes at Large, page one hundred and seventy-two), and the act of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan the amount of money which shall be found as a balance due to the said Wisconsin Band of Pottawatomie Indians by the Secretary of the Interior, said balance to be determined as follows: By computing the interest on the original sum of $447,339, declared to be due said Pottawatomie Indians at the rate of four per centum per annum from April first, nineteen hundred and eight, to April fourth, nineteen hundred and ten, and on the balance thereafter found by deducting the various amounts spent out of the appropriations made by Congress for the said Pottawatomie Indians under the act approved April fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page two hundred and eighty-eight), act approved August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and thirty-nine), act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), act approved August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and six), joint resolution approved March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, page one thousand two hundred and twenty-eight) act approved June thirtieth, nineteen hundred and thirteen (Thirty-eight Statutes at Large, page one hundred and two), said interest to be computed at the rate of four per centum on balance due said Indians between the dates of said acts of Congress and to

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July first, nineteen hundred and sixteen. as the proportionate share of the said Wisconsin Band of the Pottawatomie Indians in the annuities and the land of the Pottawatomie Tribe in which they have not shared, as set forth in the report of the Secretary of the Interior to the House of Representatives, embodied in House Document Numbered Eight hundred and thirty, Sixtieth Congress, first session, confirmed in part by the act of Congress of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and two), appropriating the sum of $150,000 on account. Said sum shall draw interest at the rate of four per centum per annum. And there is hereby appropriated out of any money in the Treasury not otherwise, appropriated, for the purposes aforesaid, the amount of the balance found to be due to said Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, as computed by the Secretary of the Interior by the method hereinbefore set forth: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to pay to Erik O. Morstad, of Carter, Wisconsin, who has lived with and cared for said Indians for many years, the sum of $5,000, said sum to be paid from the amount placed to the credit of said Pottawatomie Indians.

Your committee reports back H. R. 1776 amended as hereinbefore set forth and recommend that it do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 482.

CLAIMS OF SISSETON AND WAHPETON BANDS OF SIOUX INDIANS.

APRIL 3, 1916.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STEPHENS of Mississippi, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 585.]

The Committee on Claims, to whom was referred the bill (S. 585) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States, having considered the same, report thereon with a recommendation that it do pass.

Senate bill 585 is identical with H. R. 6022, which was the subject of a favorable report (H. Rept. No. 245) under date of February 21, 1916, and H. R. 6022 is No. 79 on the Private Calendar of the House. Reference is therefore made to Senate Report No. 123 and House Report No. 245 in connection with this bill.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 489.

PUBLIC-UTILITY FRANCHISES IN HAWAII.

APRIL 4, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. HAMLIN, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 14071.]

The Committee on the Territories having had under consideration the bill (H. R. 14071) to amend certain public-utility franchises in the Territory of Hawaii, reports the same to the House with recommendation that the bill do pass without amendment.

This is a general bill offered as a substitute for two separate bills passed by the Legislature of Hawaii which have come to Congress for ratification and approval. Both of those bills embody the provision that the per cent of gross receipts which the franchise of each company now requires to be paid to the Territory of Hawaii shall hereafter be paid to the treasurer of the county in which the company operates.

In addition, the Territorial legislature has recently passed two other utility franchises for companies located in two additional counties, and in each case has specified that the per cent of gross receipts should be paid to the county in which the company is to operate.

Your committee feels that it is merely carrying out the intention of the Legislature of Hawaii in drafting this general law to apply to all public-utility franchises granted or approved by Congress, and therefore recommends that the bill do pass without amendment.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 492.

FLEET SUBMARINES.

APRIL 4, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. PADGETT, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 13670.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 13670) amending an act entitled "An act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and for other purposes," relating to the authorization of fleet submarines, having had the same under consideration, report the same favorably with the following amendment, and as amended recommend that the bill do pass.

In line 3 strike out the word "provisions" and in lieu thereof insert the word "provision".

The naval appropriation act of March 3, 1915, provided for "two submarines, to be of seagoing type, to have a surface speed of 25 knots or more if possible, but not less than 20 knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each."

In an attempt to carry out the provisions of this act the department advertised for bids but found that it was unable to obtain a bid for a guaranteed surface speed of 20 knots, the minimum mentioned in the appropriation act, and the bill under consideration reduces the minimum surface speed from 20 to 19 knots. The following letter from the Navy Department to the chairman of the Committee on Naval Affairs of the House of Representatives sets forth at length the action of the Navy Department in an attempt to carry out the provisions of the naval appropriation act of March 3, 1915.

NAVY DEPARTMENT,
Washington, March 3, 1916.

MY DEAR MR. PADGETT: The naval appropriation act of March 3, 1915, provided, among other things, for—

"Two submarines, to be of seagoing type, to have a surface speed of twenty-five knots or more if possible, but not less than twenty knots, to cost, exclusive of armor and armament, not exceeding $1,500,000 each."

This provision contemplated a submarine of unprecedented characteristics as regards speed. As the department had not contemplated such a departure, no preliminary investigation of the possibility of building a 25-knot submarine had been

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made, and it was necessary to prepare entirely new plans. The provisions of the law were explicit, and the department of course undertook to carry them out to the letter.

It was found wholly impossible in the present state of the art to undertake a submarine of 25 knots, using oil engines for surface propulsion. The largest oil engine installation on our submarines contemplated up to this time was that on the *Schley*, and it was soon found that the submarines in the act of March 3, 1915, in order to make 25 knots, would require about two and one-half times the horsepower of the *Schley*. It was necessary then to prepare an entirely new design for a vessel materially larger than the *Schley*, about two and one-half times the horsepower, propelled by steam in surface condition. You will readily understand that this involved careful and lengthy investigation of various novel problems.

The designs were finally completed, and on December 11, 1915, the department called for bids, to be opened on February 16, 1916—the usual 60 days being allowed for the preparation of bids. When the bids were opened on February 16 it was found that there were no bids for a 25-knot submarine.

The Lake Torpedo Boat Co. submitted bids of $1,748,000 and $1,689,000 for vessels to make 20 knots in each case, but requiring acceptance provided they showed 18 knots or more. These bids, which were for one vessel in each case, being beyond the limit of cost of $1,500,000, could not be considered.

The Electric Boat Co. bid for two vessels at $1,491,000 upon design 63-B, or $1,494,000 upon their design 63-C, the bid of $1,494,000 being regarded as preferable in view of the superior battery. The bid offered to guarantee a speed of 20 knots—the minimum mentioned in the appropriation act—but required acceptance of the vessels (with a penalty at the rate of $20,000 per knot) provided a speed of 19 knots was reached upon the usual four-hour full-speed trial. The times of construction named were 31 and 33 months. The vessels bid for were substantially duplicates of the *Schley*, already under contract with the bidder. In view of this fact and of the fact that the company, although it has made little progress in actual construction to date, owing to the fact that it has entirely recast the design, maintains its ability to complete the *Schley* within the contract time, or by March 19, 1918, the department regarded the times of 31 and 33 months for these duplicates of a vessel already under contract as wholly inadmissible.

This question was taken up on February 25 with an authorized representative of the Electric Boat Co., who was asked to state what could be done to shorten the time of construction. He stated that so far he had been unable to obtain promises of delivery of the steel required in the construction of the hulls in less than a year, but that by suitable alterations in the specifications, contract, and administrative rulings of the department, it would be possible to reduce the time bid by about three months. He was informed that this was unsatisfactory, and he undertook to negotiate further with the steel manufacturers. On February 29 the detartment received information as to the result of these negotiations in a telegram which, with its confirming letter, are appended, marked inclosure A. The letter No. 175 referred to in the telegram is also appended, marked inclosure B.

At the interview with the representative of the Electric Boat Co., his attention had been called to the fact that the act prescribed a speed of not less than 20 knots, and that the department did not consider his bid requiring acceptance of the vessel provided she showed a speed of 19 knots or over, acceptable under the law.

In order to place the contract for these vessels, the department, though somewhat unwillingly, was prepared to accept a majority of the changes suggested by the bidder. One change, however, proposed that the usual provisions in the tenth clause of the contract regarding delays should be replaced by a provision under which any delay in obtaining material should virtually automatically extend the contract. The customary provision as regards delay caused by nondelivery of materials in contracts is a very liberal one. It provides that for such delays in obtaining material, the Secretary of the Navy "may in his discretion grant such extension of time in the fulfillment of the contract as he may deem proper under the circumstances." This the bidder proposed to strike out. The other objectionable change required that the maximum speed should be demonstrated, not by a four-hour trial, as customary for all naval vessels for many years, but by three consecutive runs over a mile course. At 20 knots the actual time of three runs on the course would be only 9 minutes, and allowing for time between runs the time occupied from the beginning of the first to the end of the last would probably not exceed 20 minutes.

The department regarded the proposed change as regards delay due to the material as nullifying any definite contract period, and felt that in view of the plain intent of Congress and the practice of many years as regards the method of determining speed the method proposed by the bidder was distinctly contrary to the spirit and intent

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of the law, although perhaps it might be technically justified. Accordingly, the department sent the bidder the following telegram:

MARCH 1, 1916.

ELECTRIC BOAT CO., *Groton, Conn.:*

Your proposed reduction of time is nullified by conditions in your letter under which contract time would have no binding effect. Department can not accept any changes in tenth clause of contract. The full speed for four hours' trial must be not less than 20 knots. Other minor matters unsatisfactory but susceptible of adjustment. Award of contract depends upon these conditions. Wire answer within 24 hours.

JOSEPHUS DANIELS.

To this the bidder replied as follows:

NEW LONDON, CONN., *March 2, 1916.*

SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.:

While the tenth clause of the contract as suggested by us is accepted by other Governments and is in our judgment a fair and reasonable arrangement under the peculiar conditions of this case, we are prepared in deference to the department's wishes to waive this provision. As shown by our bid we are prepared to guarantee 20 knots on the four-hour full-power trial with a penalty provision for deficiency in speed, and we have no objection to restoring this matter to the original status of our bid. We can not, however, guarantee 20 knots on this trial with a provision for rejection in the event of failure to attain this speed. The standardization trial suggested by us was the only method we could see of meeting the provision of the law which requires a maximum speed of 20 knots but which does not specify the duration of the demonstration trial nor the governing conditions of the same. In handling this matter we have been guided not by our own personal interests, but by the department's view of the public interests, and having now offered the very earliest possible delivery under conditions the acceptance of which is within the department's discretion we have now done everything possible to meet your wishes.

ELECTRIC BOAT CO.

It will be seen, then, that the only bidder for the construction of these submarines is prepared to reduce the time for construction from 31 and 33 months to 24 and 26 months, but refuses to guarantee a speed of 20 knots with a proviso for rejection in case of failure to attain that speed, his bid providing for acceptance at a speed as low as 19 knots.

It has been the practice of the department for many years to require the "contract speed" in every vessel to be demonstrated by a run of four hours at full speed, the speed thus obtained being the official maximum speed. Moreover, whenever the authorizing act as regards a naval vessel has required that the speed shall be "not less than" a certain amount, the contract has provided that if the vessel does not show this speed of the act on trial, it shall be rejected.

In the act of March 3, 1915, authorizing the submarines in question, there was authorization for "six torpedo boat destroyers, to have a speed of not less than 30 knots per hour." The contracts which have been made for these vessels provide "if the vessel fails to develop and maintain a speed of at least 30 knots an hour on the four-hour high-speed trial, she shall be rejected."

The department, in view of all the circumstances, feels that it can not place a contract for these vessels at the only bid received within the limit of cost, as modified above, without violating the obvious intent and purpose of the provisions of the law with reference to speed. The only alternative is to construct the vessels in navy yards upon the steam-driven designs. The department, however, as at present advised, does not favor steam-driven submarines, and feels that it was not realized at the time of the passage of the act that the provisions for speed would necessitate construction containing this undesirable feature. This being the case, it is considered necessary to explain the whole situation as above to the Congress in order that it may indicate its wishes in the premises.

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman Committee on Naval Affairs, House of Representatives.

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INCLOSURE A.

[Telegram.]

NEW LONDON, CONN., *February 29, 1916.*

SECRETARY OF NAVY,
Navy Department, Washington, D. C.:

Referring to our conversation of the 25th with reference to shortening our bid time for the delivery of fleet submarines *Nos. 60* and *61*, design 63–C, after fully representing to the steel manufacturers the urgency of the matter from the department standpoints, they have agreed to cooperate fully and to take special measures to shorten the delivery time of the hull steel. Consequently, subject to the conditions of our letter, No. 175, of yesterday, we can now reduce the delivery time to 24 months for the first boat and 26 months for the second.

ELECTRIC BOAT CO.

ELECTRIC BOAT CO.,
Groton, Conn., February 29, 1916.

Refer to No. 175.
Subject: Fleet submarines *Nos. 60* and *61*, design 63–C; time for construction.

SIR: Referring to our No. 175 of the 28th instant on the above subject, we beg to inclose herewith copy of telegram just sent you, which we hereby confirm. When the urgency of the matter from the department's standpoint was fully explained to the steel manufacturers, they readily agreed to take special measures to deliver to us the hull steel within the time required to complete the boats in the shortest practicable time, as fixed by other considerations. Consequently, we are now able to contract for delivery in 24 and 26 months, subject to the conditions set forth in our letter of yesterday.

Under normal market conditions as to material, we believe that it might be possible to still further reduce the contract time, but under actual conditions, and having in view the limit of the appropriation, the above times are the very best possible. To meet these times it will be necessary for us to place orders for certain important parts, such as crank shafts, etc., without delay. It is therefore respectfully requested that the department decide this matter at the earliest possible moment.

Very respectfully,

ELECTRIC BOAT CO.,
L. Y. SPEAR,
Vice President.

Hon. SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

INCLOSURE B.

ELECTRIC BOAT CO.,
Groton, Conn., February 28, 1916.

Refer to No. 175.
Subject: Fleet submarines Nos. 60 and 61, our design 63–C; time of construction for.

SIR: Referring to your inquiry as to the possibilities of reducing the contract time for the delivery of the above two vessels and confirming our oral statement relative thereto, we beg to advise you as follows:

By suitable alterations in the specifications, contract, and certain administrative rulings of the department, it would be possible to reduce the bid time for the delivery of these vessels by three months. The modifications referred to do not extend to the actual design of the vessel, but are confined to the trials thereof and the routine of inspection, etc. In view of the fact that the vessels in question are substantially duplicates of the *Schley*, an opportunity is afforded to save time in the manner above specified which would not exist in the construction of the first vessel to a new design. We inclose herewith a memorandum covering the changes in our proposal as submitted which would be necessary in order to enable us to reduce the contract time from 31 and 33 months to 28 and 30 months.

Any further reduction in the contract time is dependent upon our ability to secure earlier delivery of material than that contemplated in our bid. In this matter we are of course handicapped by the limited appropriation, which leaves no margin

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for the payment of bonuses over the prevailing high market prices for the purpose of hastening delivery. We expect to have final information on this subject to-morrow afternoon or Wednesday morning, when we will, in accordance with our promise, take pleasure in telegraphing the department, stating what further, if any, reduction in time can be made.

Very respectfully,

ELECTRIC BOAT CO.
L. Y. SPEAR,
Vice President.

SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 493.

GAS SERVICE, ISLAND OF OAHU, HAWAII.

APRIL 5, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. HOUSTON, from the Committee on the Territories, submitted following

REPORT.

[To accompany H. R. 3085.]

The Committee on the Territories, having had under consideration the bill (H. R. 3085) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Honolulu Gas Co. (Ltd.) by extending it to include all the island of Oahu, Territory of Hawaii, reports the same to the House with recommendation that the bill do pass with the following amendments:

On page 3, line 3, after the words "Public Utilities Commission," insert a period and strike out all the balance of lines 3, 4, and 5.

On page 3, after striking out the language on lines 3, 4, and 5, insert the following:

SEC. 3. The Public Utilities Commission of the Territory of Hawaii is hereby granted the power to order the Honolulu Gas Company, Limited, its successors or assigns, to make extensions of its service lines within the island of Oahu whenever it shall be made to appear that said extension is a public necessity and that said extension or extensions can be made to earn a reasonable profit on the cost and maintenance of the same: *Provided*, That all orders of the Public Utilities Commission herein provided for shall be subject to review by the courts of said Territory.

On page 3, line 6, change the number of the section from section 3 to section 4.

This is a bill to authorize the company to extend its service lines beyond the district of Honolulu, and to distribute and supply gas to any other point situated upon the island of Oahu, on which island the city and district of Honolulu is located. Demand for gas for cooking purposes already exists at two of the United States Army posts located on this island, Schofield Barracks, and Fort Kamehameha, and at the United States naval station at Pearl Harbor, all outside the district of Honolulu, to which district the company's original franchise is restricted.

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The committee has had amendments made and offered to the original act passed by the Hawaiian Legislature in 1913, authorizing the Public Utilities Commission of Hawaii to order extensions of the company's service where the same shall appear a public necessity and can be made to earn a reasonable profit to the company.

The bill, as passed by the Hawaiian Legislature, and as now reported by your committee, provides for the regulation of rates by the Public Utilities Commission.

As gas would be a desirable and proper convenience both for the Army posts, the naval station, and the public in the community outside of the district of Honolulu, the committee recommends that the bill do pass as amended.

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64TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 495

APPEALS FROM DECISIONS OF BOARDS OF LOCAL INSPECTORS OF VESSELS.

APRIL 5, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SAUNDERS, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 13223.]

The Committee on the Merchant Marine and Fisheries, to whom was submitted the following bill:

A BILL To provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any person directly interested in or affected by any decision or action of any board of local inspectors of vessels shall feel aggrieved by such decision or action, he may appeal therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector of the Supervising Inspector General, whose decision, when approved by the Secretary of Commerce, shall be final: *Provided, however*, That application for such reexamination of the case by a supervising inspector or by the Supervising Inspector General shall be made within thirty days after the decision, or action, appealed from shall have been rendered or taken: *And provided further*, That in all cases reviewed under the provisions of this act where the issue is the suspension or revocation of the license of a licensed officer such officer shall be allowed to be represented by counsel and to testify in his own behalf.

SEC. 2. That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same; and any supervising inspector may within thirty days thereafter, upon his own motion, review any decision or action of any board of local inspectors within his district; and in like manner the Supervising Inspector General may within thirty days thereafter review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector General in such case shall, when approved by the Secretary o. Commerce, be final.

SEC. 3. That any decision or action reviewed by the Supervising Inspector General, or by any supervising inspector, as provided in sections one and two of this act, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths, and to summon and compel the attendance of witnesses by a similar process as in the district courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any

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witness so summoned, for his actual travel and attendance, as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States.

SEC. 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure a proper enforcement of the provisions of this act.

SEC. 5. That section forty-four hundred and fifty-two of the Revised Statutes, as amended by section six of the act of March third, nineteen hundred and five, is hereby repealed—

respectfully reports the same back to the House without amendment, with the recommendation that it do pass.

The reasons for the enactment of this measure may be found in certain facts ascertained in the investigation of the *Eastland* disaster at Chicago in July, 1915.

It developed in the course of that investigation that the action of the local inspectors was final under existing law, with relation to various situations vitally affecting the public interests. In connection with this investigation the Secretary of Commerce secured the aid of several prominent men in Chicago who acted as an advisory committee. At the conclusion of the hearing these gentlemen made a number of recommendations. One of these recommendations was to the effect that in all cases where the power of decision of the local inspectors was final under existing law, an appeal shall be provided for all the parties directly concerned. The primary purpose of this bill is to afford this appeal, the course of the same being from the local inspectors to the supervising inspector, and from the supervising inspector to the supervising inspector general. The provisions of this bill would allow an appeal to an officer convicted by the local inspectors of dereliction of duty, and in case of acquittal a like appeal is provided for the department.

Again, the local board of inspectors might make an entry in a certificate of inspection allowing the use of a less number of officers than the considerations of safe navigation for the vessel inspected would suggest as necessary and proper. Under these circumstances the owners of the vessel from motives of selfish personal interest might not take an appeal, but would be willing to abide by the action of the inspectors. This bill provides in such a case not only for a review on his motion by the supervising inspector of any action of the local inspectors, but affords in addition an appeal from the decision of the local board, to any person directly interested in, or affected by its decision. The reasons for the passage of this measure, are both obvious and impelling. Appended will be found the letter of the Secretary of Commerce to the chairman of this committee, with the accompanying documents.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, December 21, 1915.

MY DEAR JUDGE ALEXANDER: I shall be glad if you will attach this letter to that which I have heretofore written you respecting H. R. 4783.

The inclosed is one of the regular accident reports made to me by the Steamboat-Inspection Service. Attached to it is a copy of the letter I have sent to the service in the matter. The penalty of 30 days' suspension of license for such violation of regulations as has resulted in this case in the sinking of the steamer and the loss of two lives is absurdly inadequate. Nothing can be done about it, however, by the department. There is no appeal. I can write the letter of which copy is herein, but if

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the inspectors see fit they can do the same thing again. The suspension should have been for at least six months. It is wholly wrong that the Government should find its hands tied in matters of this kind, and it is subversive of the discipline which the service exists to preserve.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary*.

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

DEPARTMENT OF COMMERCE,
STEAMBOAT-INSPECTION SERVICE,
Washington, December 8, 1915.

The SECRETARY OF COMMERCE:

Pursuant to instruction, you will please find below report of accident in which a vessel subject to the inspection of this service was concerned:

Names of vessels: Towing steamers *Lackawanna* and *Triton*.

Line or owner: Delaware, Lackawanna & Western Railroad Co., New York, N. Y., and the Independent Pier Co., Philadelphia, Pa., owners, respectively.

Officers in charge of vessel: M. Brophy and Thomas O. Moon, masters, respectively.

Local district in which accident occurred: Boston.

Place of accident: Handkerchief Light Vessel.

Date of accident: August 15, 1915.

Nature and extent of accident: Collision, causing the towing steamer *Lackawanna* to sink.

Cause of accident: Violation of regulations governing tows of seagoing barges on inland waters.

Number of lives lost: Two.

Vessels were last inspected at Hoboken, N. J., and Philadelphia, Pa., respectively, on September 17, 1915, and May 18, 1915, respectively, by C. Smith and H. McPherson, assistant inspectors of hulls, and W. G. Fenwick and C. A. Mattson, assistant inspectors of boilers.

Action taken: Case investigated and the licenses of the masters of both these vessels were suspended for a period of 30 days.

Remarks.—The barge *Nanticoke* in tow of the tug *Triton* collided with the tugboat *Lackawanna*, causing the latter to sink soon after. The mate and the cook of the *Lackawanna* were drowned, and the remainder of the crew of the *Lackawanna*, 14 men, were rescued in their lifeboat.

This case was investigated by the local inspectors at Boston and charges were preferred against the masters of these vessels. M. Brophy, master of the *Lackawanna*, was tried and found guilty of violation governing tows of seagoing barges on inland waters and his license was suspended for 30 days. Thomas O. Moon, master of the tug *Triton*, failed to appear at his trial on the dates he was directed to do so, and upon his failure to appear the board convened for trial and entered a finding of guilty by default and his license was suspended for 30 days, said suspension to begin on the date of the receipt of his license by the local inspectors.

The matter of the short period of the suspension of these men's licenses was taken up by this office with the local inspectors. The local inspectors advised that in arriving at the term of suspension they did not consider any extenuating circumstances, although certain conditions existed that might be considered extenuating.

GEO. UHLER.

DECEMBER 21, 1915.

SUPERVISING INSPECTOR GENERAL, STEAMBOAT-INSPECTION SERVICE:

I am sending to the chairman of the House of Representatives Committee on Merchant Marine and Fisheries accident report 71663 of December 8, respecting the loss of the towing steamer *Lackawanna*, and with it goes a copy of this letter. I am using this example to urge the enactment of H. R. 4783, which would give the department the right of appeal from such absurd decisions as that in this present case.

Here is a case in which it is admitted that the captain of a towing steamer so acted that a collision ensued causing the loss of the towing steamer *Lackawanna* with two lives. The penalty is a suspension of license for 30 days. It is hard for me to conceive the condition of mind in which so trifling a penalty is imposed for so serious an offense. The regulations intended to save life and property were broken and loss

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of life and property both ensued. What worse offense is there that a marine captain could commit than this? It is not the absence of skill that is charged. It is not in the strictest sense an accident that is charged. It is a violation of regulations causing the death of human beings and the loss of a steamer. I should expect to see in a case of this kind an indefinite suspension of license or certainly one for a period of not less than six months. I deeply regret that the law seems such that charges can not be brought against the local inspectors who impose this trivial penalty for neglect of duty.

I wish you to impress upon them that I regard them as having been derelict and as deserving of a severe reprimand. I trust in future cases they may show a higher sense of the value of human life and of the purpose for which they sit in judgment on violators who by such violations cause loss of life and property.

WILLIAM C. REDFIELD, *Secretary*.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 496.

PUBLIC LANDS FOR CEMETERY AND PARK PURPOSES.

APRIL 5, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 11162.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 11162) to amend an act entitled "An act to authorize entry of public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes, having had the same under consideration respectfully recommend that it be amended as follows:

Page 2, strike out all of line 19 after the word "county" and all of line 20, and insert in lieu thereof the following:

applying therefor, and when such application is made by any incorporated city or town, such lands to be within the exterior limits of the county in which it is situated and within thirty miles of such city or town.

Page 3, line 11, strike out the words "the Interior" and insert in lieu thereof the word "Agriculture."

And that as so amended the bill do pass.

A bill similar to this was introduced on the opening day of this session of Congress, December 6, 1915, as H. R. 41. That bill was referred by your committee to the Interior Department for report, and the Secretary reported thereon as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1916.

MY DEAR MR. FERRIS; I am in receipt of your request for report upon H. R. 41, and after a conference with the author of the bill, Mr. Taylor, have drafted a substitute measure, which, it is believed, will better accomplish the purpose sought. I inclose copy of the said substitute, and have to advise that I know of no objection to the enactment thereof.

H. R. 41 in its present form should not be enacted; particularly that portion which specifically authorizes cities or towns to select lands in water-power sites for cemetery or sewer purposes.

Cordially, yours,

FRANKLIN K. LANE,
Secretary of the Interior.

HON. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

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A Bill To amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purpose," approved September thirtieth, eighteen hundred and ninety, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress approved September thirtieth, eighteen hundred and ninety, entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purpose" (Twenty-sixth Statutes at Large, page five hundred and two), be, and the same is hereby, amended to read as follows:

"That any incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase at $1.25 an acre, for cemetery or sewerage purposes, not exceeding one-quarter section of nonmineral public lands not reserved for public use other than for a forest reserve, such lands to be located within five miles of the city or town applying therefor.

"SEC. 2. That any incorporated city or town shall have the right to select and acquire, under rules and regulations prescribed by the Secretary of the Interior, at $1.25 an acre, not exceeding six hundred and forty acres of nonmineral public lands not reserved for public use other than for a forest reserve, necessary or useful for the protection of the water supply of said city or town, such lands to be located within twenty miles of the city or town applying therefor.

"SEC. 3. That any county or incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to select and acquire title to not exceeding six hundred and forty acres of nonmineral public lands not reserved for public use other than for a forest reserve, for public park purposes, such lands to be within the exterior limits of the county or within thirty miles of the incorporated city or town applying therefor: *Provided*, That any such selection and grant for public park purposes shall be upon the express condition that the county, city, or town shall construct and maintain a substantial and permanent wagon and automobile road to the exterior limits of such public park, and in the case of the incorporated city or town such road shall extend from the city or town in question to the exterior limits of the public park.

"SEC. 4. That all patents issued under the provisions of this act shall contain the stipulation and reservation that the lands shall revert to the United States in case the county, city, or town shall fail to comply with the conditions herein expressed, shall fail to occupy or use the lands for the purpose granted, or shall attempt to sell or dispose of the same: *Provided*, That selections under this act for lands within forest reserves shall be subject to approval by the Secretary of the Interior."

That substitute bill recommended by the Secretary of the Interior was introduced by Mr. Taylor on February 9, 1916, as H. R. 11162, which is the bill under consideration. This bill was also referred by the committee to the Interior Department for report, and on March 8, 1916, the Secretary again reported thereon as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 8, 1916.

MY DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 11162, a bill which proposes to authorize the selection by incorporated cities or towns of lands for cemetery, sewerage, or water supply purposes, and by counties, cities, or towns of lands for public-park purposes.

The bill was drafted in this department and suggested as a substitute for H. R. 41, and the department has no objection to interpose to its enactment. The author of the bill, in communication dated February 13, 1916, states that some members of the Public Lands Committee have suggested amendments, and he would like to have some discussion of the proposed amendments by this department.

The first suggestion mentioned is that there should be some provision preventing the location of water-power sites as parks; the second suggestion that the limit of distance for parks should be increased from 30 to 50 miles, and a third suggestion to the effect that the bill should permit counties to locate public parks outside of the limits of the county applying for the park.

It was thought that the existing water-power withdrawals and the authority vested in the Secretary of the Interior to make rules and regulations might be sufficient to preclude the acquirement of valuable power sites, but if this is not deemed sufficient, this department believes that some provision should be made in the bill which will make clear the intent of Congress not to permit the acquisition of such power sites under the provisions of this measure.

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As to the second suggestion, that the limit of distance for parks be raised from 30 to 50 miles, I have to state that the limit of 30 miles was fixed because it was believed that that was, under modern methods of conveyance, within a reasonable and accessible distance from the city or town, and would therefore be utilized by the citizens. If the limit be raised to a greater distance, it is improbable that many of the residents of the cities or towns would be able to avail themselves of the park, certainly not in the frequent visists, which would furnish the only reason for the grant. If the parks are located at such a great distance that they can only be visited once or twice during the season, there would appear to be no sufficient reason for the grant proposed, as camping privileges may be secured in existing forest reservations and national parks.

As to the third suggestion, the department does not believe it advisable to recommend the granting of parks located outside of the limits of the county to which the grant is proposed, but believes that same should be within its exterior limits and subject in this way to county control and responsibility.

It is noted that the draft heretofore submitted by the department and the bill as introduced provide that selections for lands within forest reserves shall be subject to approval by the Secretary of the Interior. This is an evident clerical error, and should read "by the Secretary of Agriculture."

Cordially, yours,

FRANKLIN K. LANE,
Secretary of the Interior.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

The present park law, approved September 30, 1890 (26 Stat., 502), and which is sought to be amended by this bill, reads as follows:

That incorporated cities and towns shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase for cemetery and park purposes not exceeding one quarter section of public lands not reserved for public use, such lands to be within three miles of such cities or towns: *Provided*, That when such city or town is situated within a mining district the land proposed to be taken under this act shall be considered as mineral lands, and patent to such land shall not authorize such city or town to extract mineral therefrom; but all such mineral shall be reserved to the United States, and such reservation shall be entered in such patent.

While that law, enacted over 25 years ago, was fairly well adapted to conditions as they existed in the West at that time, it has long since become inoperative and obsolete; notwithstanding the imperative requirements of a practical and reasonable city park law applicable to actual present-day conditions in the West has been rapidly increasing every year.

The present law limits a city or town to the selection of 160 acres of land for either cemetery or park purposes within 3 miles of such city or town, while throughout the entire West, practically speaking, there has not for 20 years been any suitable park sites left vacant within 3 miles of any city or town. So that the law, so far as park sites are concerned, has for many years been substantially a dead letter, notwithstanding every civilized human being these days recognizes the absolute necessity of every city and town having commodious public parks and recreation grounds.

The modern necessity for these outing places was not foreseen 25 years ago, when the entire West was in reality an outing place and when sites could in many instances have been readily obtained. Those former convenient park sites have, however, long since gone into private ownership, and, generally speaking, there are now no vacant and suitable park sites within many miles of nearly all the Western cities and towns. For that reason this bill has increased the distance from 3 miles to 30 miles. Unless it is imperatively necessary, no city will go out 30 miles, or any farther than it is compelled to, in order to obtain a suitable site for a city recreation ground. But no city

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should be deprived of a suitable natural park, even if it may be compelled to go as far as 30 miles to obtain one. With the present very general use of automobiles a park out 20 miles, or even 30 miles, is no less accessible than was a park out 3 miles 25 years ago. So that this extension of distance is not only necessary in many instances to reach a park site that a city would be justified in taking and paying $1.25 an acre for, and improving and beautifying it at public expense, but anything within a 30-mile limit is to-day readily accessible to a large per cent of the inhabitants of every town. In fact, there was a strong pressure upon the committee to make the limit 50 miles.

The present law limits the amount of land that may be taken for a city park to 160 acres. In many instances, owing to the irregular topography of the country, it is impossible for a city or town to select, according to the Government survey, sufficient land within the limit of 160 acres to properly control a park site. And it was conclusively shown to your committee and the Secretary of the Interior that a section of land is a very reasonable and necessary maximum limit. No city or town will purchase more than it actually needs for a park, because ordinarily the money must be raised by private subscription, and the citizens will endeavor to locate a park just as economically as possible, and it will be seldom that 640 acres are taken, but it will also be seldom where 160 acres would be sufficient. The committee, therefore, deems it wise, in order to encourage park selections and improvements, to adopt 640 acres as the limit for parks.

Concerning cemeteries your committee has retained in section 1 the limit in the present law of 160 acres. But owing to the fact that in a large majority of cases there is no suitable cemetery site within 3 miles, the Secretary of the Interior and your committee recommend that the 3-mile limit be raised to 5 miles.

Section 2 of the bill pertains to the selection of land for the protection of the water supply of cities. Congress has passed a great many individual bills on this subject, and the policy of the Interior Department and Congress has been to encourage cities and towns in the protection of their water supply from pollution, and in the preservation of the source of supply and protection of reservoir sites and springs used for municipal purposes. Therefore section 2 is necessary in the bill for the purpose of enacting a general law upon this subject. The distance of 20 miles is a reasonable compromise. In many instances cities go 40 and 50 miles, and in some cases over 100 miles for their water supply. But in the main, the distance is approximately within a 20-mile radius of the city; and for the purpose of making the law general and definite and relieving a large number of cities and towns from the necessity of special legislation, your committee feels that this section is important. Many cities and towns do not feel like incurring the expense, bother, and annoyance of trying to secure special legislation and thereby jeopardize their water rights, and in many instances they are caused a great deal of expense and loss thereby.

The present law does not allow a county as such to locate a park or recreation ground. In a large number of counties throughout the West there are no large cities or good-sized towns, and yet there is a large rural population. The rural population several times a year gather at some place or other for a general outing and basket picnic

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and recreation day. Some of them have by private subscription purchased and improved fair grounds and other recreation places, and there has long been a demand for a Federal law that would permit a county as such to select some suitable scenic spot for a general outing place for the county. This bill recognizes that commendable public demand and authorizes a county, as well as cities and towns, to locate not to exceed a section of land for public-park purposes. This is an exceedingly important provision. It is a recognition for the first time apparently of the right of the farming population to have a suitable outing place of their own. In some instances two or more counties meet at some place once or twice every year. They go as far as 100 miles in their automobiles, and several hundred automobile loads of people congregate at some attractive spot and take their families and have a general barbecue and picnic and recreation day. The committee feels that there could be no higher or better use made of a suitable portion of the public domain, if such can be obtained within a county, than to allow that county to make such selection and own and improve it and take a proprietary interest in preserving it as a place to hold their outings and picnics and public out-door gatherings. The committee feels that it is unnecessary to urge upon the House the importance of encouraging county parks. These playgrounds are looked upon as reservoirs of health and happiness.

There has never in our history been such a need and growing demand for public recreation places as there is at the present time, and suitable localities of natural scenic beauty should be preserved and used for public outing places, and thereby benefit the lives of millions of people physically, mentally, and morally. The tendency of our Nation and of every State, and of every city in the United States, is to encourage the creation of more outing places. The strenuous lives which the American people are living require out-door recreation and relaxation, and our city, State, and national parks are one of our greatest health assets. Therefore, the committee unanimously and earnestly recommend the passage of this bill.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 497.

GOVERNMENT ARMOR-PLATE FACTORY.

APRIL 6, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PADGETT, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany S. 1417.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1417) to erect, or purchase, or both, a factory for the manufacture of armor, having had the same under consideration, report the same favorably with the recommendation that the bill do pass.

At the present time the armor plate for the vessels of the Navy is supplied by three private manufacturing plants, namely, the Bethlehem Steel Co., the Carnegie Steel Co., and the Midvale Steel Co. These companies entered into the manufacture of armor plate for vessels of the Navy in the order named at various dates since 1887. At the beginning of the manufacture of armor, when the Bethlehem Co. was the only company equipped to manufacture it, the Carnegie Steel Co. was induced by the Government to enter the manufacture of armor in order that competition might be obtained in the awarding of contracts for armor plate. But shortly after the Carnegie Co. entered the field competition between the two companies seemed to have disappeared, and in 1903 the Midvale Steel Co. entered the field and after building a plant succeeded in getting a contract for part of the armor to be manufactured in one year for a price considerably less than the bids of the Carnegie Co. and the Bethlehem Steel Co.

After the Midvale Co. had established its ability to manufacture and deliver armor plate to the Government, identical bids from all three companies were submitted for the manufacture of armor plate for the Government and continued so until the last year or two. Whether this condition was brought about by the Navy Department in an attempt to keep all plants in business in order that they might be an asset in case of war or emergency or whether by an agreement

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or understanding among the companies, it has been fully demonstrated to the satisfaction of the committee that competition from abroad and at home has disappeared, and the Government finds itself in such a position as to be forced to contract for armor plate at the price submitted by the companies. Many investigations have been had at the instigation of Congress to determine the cost of the manufacture of armor plate, and it seems to be demonstrated by these investigations and the reports thereon that the Government can manufacture armor plate at a price considerably less than that charged by private manufacturers.

While it is admitted that armor plate is not an article of commercial use and that the Government is the only customer for armor plate in the United States, yet it is the opinion of the committee that the Government should not be compelled to pay a price set by domestic manufacturers where it has been demonstrated that competition no longer exists. It is therefore believed that as a measure of protection against such a condition of affairs the committee should recommend the erection or the purchase of a factory for the manufacture of armor plate for the vessels of the United States Navy, and therefore recommends that the bill do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 497, Part 2.

MANUFACTURE OF ARMOR.

APRIL 13, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BUTLER, from the Committee on Naval Affairs, submitted the following

VIEWS OF THE MINORITY.

[To accompany S. 1417.]

We, the undersigned members of the Committee on Naval Affairs, dissent from the action of the majority of the committee in favorably recommending at this time the bill (S. 1417) to erect or purchase, or both, a factory for the manufacture of armor, and appropriating $11,000,000 to erect or purchase same. A brief statement of the armor-plate business in this country, together with our objections to the proposed legislation at this time, is herewith presented.

GENERAL STATEMENT.

Prior to 1887 no armor plate was manufactured in this country. The Bethlehem Steel Co. went into the business in that year and built a plant of approximately 6,000 tons capacity. In 1890 the Carnegie Co. entered the business, erecting a factory of about the same capacity. These two companies went into the armor-plate business upon the invitation of the Government. Following the Spanish-American War the country entered upon a greatly increased naval program, and the capacity of both the Bethlehem and Carnegie plants were doubled to meet this demand. The two companies have at the present time an annual capacity of about 12,500 tons each. In 1903 the Midvale Co. went into the armor business and put up a plant with an annual capacity of about 7,000 tons. The three plants above mentioned have an aggregate annual capacity of approximately 32,000 tons. The average requirements of the Navy for armor during the past 29 years have been less than 10,000 tons per annum. The capacity of existing armor plants has, therefore, been practically

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three times the requirements of the Navy. As a result these three plants have operated on the average at, or a little above, one-third capacity. The following table shows the number of tons awarded each company and the amount paid for same annually from 1887 to 1915, inclusive:

Memorandum in regard to armor contracts.

Contract.	Bethlehem Steel Co.		Carnegie Steel Co.	
	Tons.	Cost.	Tons.	Cost.
June, 1887	6,891	$4,168,000		
November, 1890			6,054	$3,475,000
February-March, 1893	3,882	2,510,000	3,120	2,094,000
June, 1896	2,800	1,534,272	3,073	1,697,808
June, 1898	3,965	1,586,000	3,712	1,484,800
August-October, 1899	1,142	456,800	1,134	453,600
November, 1900	18,588	7,684,700	18,588	7,684,700
February, 1903	5,798	2,386,440	5,666	2,333,640
December, 1903	5,372	2,239,640		
January, 1904			5,258	2,194,040
April, 1905	4,959	2,038,780	1,921	772,660
August, 1906	1,824	630,813	1,865	645,206
July-August, 1907	3,579	1,493,240	3,538	1,475,140
January, 1909	3,137	1,324,502	3,153	1,333,095
September, 1909	4,594	1,959,643	4,604	1,936,065
February, 1911	2,257	977,221	2,207	952,180
May-June, 1911	2,212	952,573	2,323	991,200
January, 1912	5,022	2,160,384	5,132	2,194,572
February-March, 1913	2,669	1,242,901	2,684	1,236,671
November, 1914	16,256	6,975,328		
December, 1915	60	23,700	15,901	6,839,100
Total	95,007	42,344,937	89,933	39,783,477

Contract.	Midvale Steel Co.		Carbon Steel Co.		Total.	
	Tons.	Cost.	Tons.	Cost.	Tons.	Cost.
June, 1887					6,891	$4,168,000
November, 1890					6,054	3,475,000
February-March, 1893					7,002	4,604,000
June, 1896					5,873	3,232,080
June, 1898					7,677	3,070,800
August-October, 1899					2,276	910,400
November, 1900					37,176	15,369,400
February, 1903					11,464	4,720,080
December, 1903	6,180	$2,453,422			11,552	4,693,062
January, 1904					5,258	2,194,040
April, 1905	1,041	411,972			7,921	3,223,412
August, 1906	3,690	1,276,363			7,379	2,552,382
July-August, 1907	2,259	911,020			9,376	3,909,400
January, 1909	3,128	1,312,703			9,418	3,970,303
September, 1909	3,785	1,597,755			12,984	5,493,464
February, 1911	2,274	970,349			6,738	2,899,750
May-June, 1911	2,202	957,985			6,737	2,901,758
January, 1912	5,189	2,218,655			15,343	6,573,612
February-March, 1913	2,723	1,242,645			8,076	3,742,217
October-November, 1913	7,739	3,462,760	61	$27,328	7,800	3,490,088
November, 1914	8,128	3,487,964			24,384	10,462,992
December, 1915	60	22,560			16,021	6,875,360
Total	48,399	20,375,858	61	27,328	233,400	102,531,600

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Cost of main belt armor.

Date.	Per ton.
1900	$420 plus $21.85 royalties.
1903, February	Do.
1903, December	$398 to the Midvale Steel Co.; $420 plus $21.85 to Carnegie and Bethlehem.
1905, April	Do.
1906, August	$346.
1907 to 1912, inclusive	$420.
1912, February	$454; 8-hour law in effect here.
1913, November	$440.
1914	$426.
1915	$426.

It must be borne in mind in considering the armor-plate business that armor plants can not be used for any other purpose than the manufacture of armor and that the Government itself is the only customer. When the Government's orders are filled the plants must shut down. An examination of the above table will disclose the fact that the armor plants above mentioned have been shut down nearly two-thirds of the time since they came into existence. It has been the policy of the Government from the beginning to divide the business and thus keep the three plants employed a portion of each year. The Government did this in order that we might be in a position to quickly expand our armor production in case of need. One of these companies, with a 12,500-ton capacity, working practically full time, could have supplied all our armor under Government regulation of prices at a great saving per ton of armor had the matter of price been the only consideration. The Government deemed it a better policy to divide the business and keep them all going. As a result of this policy three armor plants have been maintained in partial operation, with a capacity of three times our needs, with presumably three times the investment necessary, in order that we might have them organized and capable of expansion in case of great necessity. Secretary Herbert made an exhaustive study of the armor-plate situation under President Cleveland's administration, and in discussing the policy of the Government toward the armor-plate business used the following language:

> The Government of the United States, having created these plants, ought to perpetuate them. If we are to continue building a navy, we must have armor plants. It is not good policy to buy our armor abroad. No single feature connected with the upbuilding of a new navy is more gratifying than the fact that we have domesticated in our own country all the industries necessary to make us, in matters pertaining to the public defense, completely independent of the world. This is not in any manner the question of free trade or protection. Every great country in the world, whether it is on a free-trade or protective basis, takes care that it shall be able to manufacture all the arms and munitions of war necessary for its protection against a public enemy. You must, therefore, pay for armor in the future a price sufficiently liberal to justify these contractors, or others, in keeping plants in order and ready at all times to manufacture armor if occasion should require. The present size and strength of our Navy is not so efficient a factor in keeping the public peace and in creating respect for our country abroad as is our capacity rapidly to increase that Navy to any required extent.

The need for a Government armor plant, if any exists, obviously does not spring from a lack of facilities for the making of armor in this country. Plants now in existence are ample to take care of

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a building program for the Navy double that of the past. If we add a Government armor plant of 20,000 tons capacity, it will not be for the purpose of increasing our present facilities for making armor in the United States, but clearly for the purpose of transferring the making of armor to the Government itself and, incidentally, reducing our armor-making capacity by about 40 per cent. We do not believe that this is a good time to put such a policy into execution. We should not, at this time, deliberately cut down our ability to make ready for an emergency quickly. Conditions are such in the world that we can not forecast our future military necessities. All our military establishments should be kept intact until the present war is over at least, and until world conditions become normal. Whatever we may decide eventually as to the wisdom of taking away from private enterprise the manufacture of armor and other munitions of war we should not weaken our military situation in any direction at this time or during the years immediately following the close of the present war.

But it is urged in behalf of this bill that these armor companies have overcharged the Government in the past and that their behavior at times has not been commendable. Whatever may be the truth as to this, it is difficult to see how they can overreach the Government under the proposition they now make to enter into a contract to accept such price for armor in the future as the Government itself shall fix as just and reasonable. Mr. Butler offered an amendment in the committee, to be added at the end of section 1, as follows:

The Federal Trade Commission is hereby directed, immediately after the passage of this act, and annually thereafter, upon the request of the Secretary of the Navy, to investigate and inventory the armor-plate plants of the United States, and to estimate and determine the average full cost of producing armor plate at said plants under the four following conditions, to wit:

(*a*) Plants running at full capacity.
(*b*) Plants running at two-thirds capacity.
(*c*) Plants running at half capacity.
(*d*) Plants running at one-third capacity.

After so determining the full cost of producing armor plate at said plants the said Federal Trade Commission shall, at once, report to the Secretary of the Navy a fair and reasonable price the Government should pay for its armor plate. Upon receipt of such report the Secretary of the Navy is hereby authorized to enter into a contract or contracts for armor plate to meet the needs of the Government, now or hereafter, at or below the price per ton so reported as the fair price for the proportion which the tonnage awarded bears to the aggregate capacity of the plants, and the appropriation hereby made for the erection or purchase of an armor-plate plant shall not be used for that purpose until the said report has been made to the Secretary of the Navy and the manufacture of armor plate have failed, within thirty days after notice of such report, to accept the same and to enter into a contract for the manufacture of said armor plate at or below the price per ton so reported by said commission.

This amendment was rejected in the committee. Had it been adopted it would have enabled the Government to obtain all the armor plate required in the future at a price to be fixed by the Government itself. We believe that this amendment should be added to the bill and that the bill, so amended, should pass.

In conclusion we beg to call to the attention of the House the fact that the naval bill this year will carry an appropriation, undoubtedly, of more than $200,000,000. This bill appropriates $11,000,000 for an armor-plate factory of 20,000 tons' capacity. The estimates for this plant were made in 1913. Since that time labor and material

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have advanced in cost approximately 40 per cent. If this plant is built under present conditions, or at any time during the continuance of the war in Europe, it will probably cost the Government $15,000,000. We believe that this money could be spent more wisely at this time on the Navy afloat than on the Navy ashore. It seems to us that we are much more in need at the present time of a "fighting Navy" than a "manufacturing Navy." If proper provision can be made to insure a fair price for armor to the Government (and the amendment above proposed will accomplish this), it seems to us that the building of an armor factory may well be deferred until we have at least supplied the necessary men and officers for the ships of the Navy now prematurely in reserve.

Respectfully submitted.

THOMAS S. BUTLER.
ERNEST W. ROBERTS.
WM. J. BROWNING.
JOHN R. FARR.
PATRICK H. KELLEY.
SYDNEY E. MUDD.

I concur in the above recommendation for an amendment to the bill, reserving the right to vote for the bill in the event amendment does not carry.

FRED A. BRITTEN.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 498.

FORTIFICATIONS APPROPRIATION BILL.

April 6, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SHERLEY, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 14303.]

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following explanation thereof:

The estimates on which the bill is based aggregate $23,375,123.80, and in addition thereto authority is requested for contract authorizations amounting to $12,500,000, a total of estimated appropriations and authority to enter into contracts of $35,875,123.80, the first mentioned sum includes $23,305,123.80 submitted in the Book of Estimates for the fiscal year 1917 and $70,000 submitted in House Documents Nos. 430 and 571. The accompanying bill appropriates $21,997,050, and in addition authorizes contracts in sums aggregating $12,300,000, a total, including appropriations and authorizations, of $34,297,050, the amount of direct appropriations is $16,936,833.10 more than was appropriated for the same purposes at the last session of Congress, and $1,378,073.80 less than the estimates submitted for direct appropriations.

SCOPE OF THE FORTIFICATIONS BILL.

Before discussing in detail the estimates submitted for the fiscal year 1917 and the recommendations thereunder, and the history of previous appropriations for fortifications, it is not amiss to state the actual scope of the fortifications appropriation bill, which covers a field larger than its title indicates. It embraces not only the subject of seacoast fortification, but also makes provision for the mobile artillery and its ammunition for the Regular and Volunteer Armies of the United States, but not for the militia, provision for the latter being made in the Army appropriation bill.

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The bill deals entirely with matériel and does not deal with the personnel of the Army.

It provides the funds for the purchase or manufacture of such matériel, and has in the past carried large appropriations for the creation of several of the arsenals of the Government. The practice of recent years, however, has been to make provision for the building or enlargement of Government arsenals in the sundry civil bill, except as to the purchase of machinery incident to the Government manufacture of matériel provided for in the annual fortification bills. As incidents to these broad basic purposes, the bill deals with many minor matters, as will appear from a reading of the detailed portions of this report.

While the subject would clearly be within its proper scope, the provisions for the fortification of the Panama Canal are not carried by it but are carried in the sundry civil bill. The reason for this arrangement being the desirability of keeping in one appropriation bill all the expenditures relating to the canal.

Having outlined the scope of the bill, it becomes proper to consider at some length the two major subjects dealt with. This is made the more necessary as to seacoast fortifications due to the widespread misconception of the purposes they are intended to serve.

SEACOAST FORTIFICATIONS.

It is the popular belief that our fortifications are designed to protect all the shores of continental United States and the insular possessions from invasion by a hostile force and that they are adequate only to the extent that they would prevent such invasion. No greater misconception of their function could be had. The author of this report is unaware of any responsible military authority ever suggesting such a purpose. Certainly the cost of such numerous fortifications to accomplish such a purpose would be beyond the purse of even this the richest of all nations.

But though this is known by all students of the subject, criticism is continuously aimed at our system of fortifications because of the absurd assumption that they should accomplish the impossible; while many, properly believing that our fortifications are excellent but with the same mistaken view as to their purpose, fail to appreciate the need for other means of defense.

The chief and real purposes to be served by our fortifications are to protect from bombardment large centers of population where the damage that might otherwise be inflicted could not be thought from a military point of view admissible; to protect from destruction establishments of military value, such as navy yards, coaling stations, arsenals, etc.; to deny to an enemy the use of important harbors as a base for offensive operations against either our fleet or land forces; to preserve such harbors as a base or refuge for our own fleet and permit it to be used in its most efficient way by seeking out and engaging the enemy; to afford refuge and protection to our shipping; and to compel the enemy in order to achieve military results of importance to resort to an expedition involving the transportation of troops across the seas and effect their landing at some place not possessing the strategic value had by the places fortified.

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Of necessity many coast towns would have to be left without such defense, where the damage that might be done in the event of control of the sea being lost by our fleet, would be deplorable but would not be of such character as would really impair the nation's well-being or resisting power.

Fortifications are deemed sufficient when they serve these purposes and the prevention of invasion then becomes the duty of the mobile army. They are deemed sufficiently strong if they compel the enemy to land in order to effect their capture.

Prior to the Civil War our coast defenses were the equal of those of any country, but shortly thereafter with the introduction of rifled cannon and armor, with the resulting inefficiency of our smooth-bore guns they became obsolete. Many years passed without any action being taken to remedy this situation. Finally during President Cleveland's first term, an act of Congress approved March 3, 1885, provided that—

> The President of the United States shall appoint a board, * * * which board shall examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted for each, with reference to armament, the utilization of torpedoes, mines, or other defensive appliances. * * *

As a result of this action, the President appointed a board, composed of the Secretary of War and high Army and Navy officers, that made a most elaborate study and report on the subject. This board, known popularly as the Endicott Board, designated the following 27 places to be fortified:

New York.
San Francisco.
Boston.
The lake ports.
Hampton Roads.
New Orleans.
Philadelphia.
Washington.
Baltimore.
Portland, Me.
Rhode Island ports and Narragansett Bay.
Key West.
Charleston, S. C.
Mobile.
New London.
Savannah.
Galveston.
Portland, Oreg.
Pensacola.
Wilmington, N. C.
San Diego, Cal.
Portsmouth, N. H.
Cumberland Sound at Fort Clinch.
Ports on the Kennebce River, Me., at Fort Popham.
New Bedford, Mass.
Ports on the Penobscot River, Me., at Fort Knox.
New Haven, Conn.

It stated in detail the character and amount of armament at each place and the estimated cost of the same. It also stated the character of mine and torpedo defense desired, and fully covered every phase of the subject.

No report has probably ever been made to Congress on any subject that was more exhaustive or of a higher order of excellence.

Congress a few years later entered upon the execution of the scheme proposed, and for many years it formed the guide by which the Secretary of War determined the estimates that should be submitted to Congress in order to fortify the ports therein recommended with the amount and type of armament required in each instance. It will be understood that these plans required many modifications of detail brought about through the improvement of the quality of steel and manufacture of powder, with the resulting increase of the power of guns and by the development of an efficient type of disappearing-gun

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carriage for heavier guns, together with changes resulting from the development of commercial and strategic importance of different ports.

The original report of the Endicott Board made no provision for reserve ammunition, probably due to the fact that the development of a satisfactory powder was at that time in an experimental stage. Provision for such reserve was subsequently made from time to time. On March 5, 1906, President Roosevelt transmitted a message to the Congress in which he inclosed a report of the National Coast Defense Board, which had been appointed by him on January 31, 1905. This report modified and brought up to date the report of the Endicott Board and added a scheme for the fortifications of the insular possessions of the United States, and is usually referred to as the Taft Board report. It submitted a revised list of the ports requiring defense. This list arranged in geographical order is as follows:

HOME PORTS.	HOME PORTS—continued.	INSULAR PORTS.
Kennebec River.	Potomac River.	Guantanamo.
Portland.	Cape Fear River.	San Juan.
Portsmouth.	Charleston.	Guam.
Boston.	Savannah.	Subic Bay.
New Bedford.	Key West.	Manila Bay.
Narragansett Bay.	Tampa.	Pearl Harbor and Honolulu.
Eastern entrance to Long Island Sound.	Pensacola.	
Eastern entrance to New York.	Mobile Bay.	ISTHMIAN CANAL PORTS.
Southern entrance to New York.	Mississippi River.	Colon.
Delaware Bay.	Galveston.	Panama.
Baltimore.	San Diego.	
Entrance to Cheaspeake Bay.	San Francisco.	
Hampton Roads.	Columbia River.	
	Puget Sound.	
	Lake ports.	
	Kiska Island.	

It considered at length the changes it thought necessary to be made in the character and amount of armament for these various fortifications; the need and character of submarine mines and torpedoes and other accessories to a proper scheme of sea-coast defense, and recommended in detail the armament that should be placed at each of the fortifications enumerated, with the detailed cost for each. It also, as directed in the order creating it, indicated the relative importance of the places recommended to be defended. In pursuance of the plans and projects recommended in that report, estimates were submitted annually by the Secretary of War during the period 1906–1914 of the sums needed to carry on the work.

In February, 1915, the Secretary of War appointed a board, designated as the War Department Board of Review, to revise the projects of the Taft Board, and it is this latest revision that forms the basis of the estimates presented to Congress at this session and of the bill submitted herewith. The projects of this last Board of Review contemplate an expenditure for continental United States and the insular possessions of some $82,064,557, and of $13,995,000 for the Panama Canal, making a total of $96,059,557.

An additional sum will be necessary for the fortification of places that will doubtless need to be fortified within a few years but for which no definite scheme has been recommended, these latter

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fortifications being largely for Alaska, Guam, and Guantanamo. The board's report contemplates additional fortifications at Portland, Boston, New Bedford, eastern entrance to Long Island Sound, Sandy Hook, including Rockaway Beach, Delaware Bay, Cape Henry, Charleston, Pensacola, New Orleans, Galveston, San Francisco, Columbia River, Puget Sound in continental United States, in Hawaii, the Philippines, and at the Panama Canal. The report covers all phases of the subject, and among other things it states:

The last comprehensive report upon the needs of our seacoast defenses was that made by the Taft board on February 1, 1906. That board recommended that additional armament be emplaced at a number of localities in continental United States but as the appropriations for new fortifications that have been made since that date have been confined mainly to the insular possessions and the Panama Canal, comparatively little of the additional armament proposed by that board has been installed. The period that has elapsed since the date of the report of the Taft board has been marked by radical changes in naval designs, which included the development of the dreadnaught type of battleship, a type carrying heavier armor and much more powerful ordnance than its predecessors. As a consequence both the offensive and defensive capabilities of warships have been materially increased.

In recognition of this development the department during the early part of the current year adopted the policy that the major caliber direct-fire gun to be installed in future should be of at least 16-inch caliber. Considerations of the same character, more particularly the greater structural strength and increased deck protection of modern battleships, have led the Board of Review to recommend that seacoast mortars to be installed in future should be of 16-inch caliber. In addition to these types, the projects of the board, as outlined hereinafter, call for the utilization as howitzers of a number of 12-inch guns that are now on hand, by mounting them on barbette carriages of a special design that will permit of the attainment of a range of 30,000 yards.

The board then enumerated the projects approved, with a brief statement of the objects expected to be accomplished by the proposed additional armament at each place.

While it may not be proper to state in detail the proposals made, it is proper to state that the ends sought by the additional armament are at certain points to defend the harbors and existing defenses against long-range naval bombardment, made necessary by the increased range of guns of modern battleships; to increase the volume of gunfire at certain places in order to make it adequate to meet the increased volume of gunfire that could be directed against the fortification by a fleet of modern warships; and in a few instances to cover water areas not covered effectively by existing armament; and to deny to an enemy the use of certain harbors not now protected.

The total additional armament for continental United States included in the above projects comprises twenty-two 16-inch guns, twenty-four 12-inch guns mounted for long-range fire, twenty-three 6-inch and four 3-inch guns, and forty-eight 16-inch mortars; for the insular possessions eight 12-inch guns mounted for long-range fire; and for the Panama Canal four 16-inch guns, four 12-inch guns mounted for long-range fire, and twelve 16-inch mortars.

In addition to the above, the projects of the board include one hundred and thirty-four 3-inch antiaircraft guns for the seacoast defenses of continental United States, seventeen 3-inch antiaircraft guns for the insular possessions, and eight 3-inch antiaircraft guns for the Panama Canal.

The board also recommends the construction of six 16-inch movable howitzers and an experimental 14-inch gun on railroad car mount for defense against hostile landings in unfortified harbors.

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It also changes the basis for the reserve seacoast ammunition, believing the old allowance contemplated in the former scheme to be inadequate. It recommends—

(a) For guns in continental United States, except guns of 8-inch caliber and upward on inner lines of defense, allowances equal to one-half the accuracy life of the respective calibers; for mortars, except on inner lines of defense, an allowance equal to one-fourth the accuracy life.

(b) For armament of 8-inch caliber and upward on inner lines of defense in continental United States, allowances equal to one-half those for outer lines.

(c) For guns in the insular possessions and on the Canal Zone, allowances equal to the accuracy life of the respective calibers; for mortars, an allowance equal to two-thirds of the accuracy life.

The board also designated the armament that it considered of insufficient military value to warrant incurring the cost involved in providing a manning personnel or ammunition therefor, as well as that which upon the installation of the proposed additional armament would become of insufficient military value.

DISAPPEARING GUN CARRIAGES.

It considered the advisability of continuing the disappearing gun carriage in seacoast fortifications and said:

The board is of the opinion that the disappearing principle should be retained and that it should be the type of mount for direct-fire guns, except in those instances where special conditions may render advisable the installation of the turret or the barbette mount.

It has been thought proper to thus review the action of these various boards in order that it might be clearly understood that Congress has in the past followed the judgment of the best military experts of the Government in making provisions for the seacoast fortifications.

While it is true that to a limited extent Congress has not always appropriated the full amounts that have been asked at the time when asked, it is nevertheless true that Congress has always followed the approved plans of the War Department touching the character of the seacoast fortifications, as well as the judgment of the department as to the places to be fortified. The author of this report recalls no instance in which Congress has undertaken to fortify places not recommended by the War Department, or to erect fortifications of different character than those recommended. As the result of this consistent policy of Congress, the fortifications of the United States are not excelled by those of any other nation, and while it is necessary now to expend the considerable sum indicated in further improvements of them, this necessity has not resulted from any unwise action of Congress taken in disregard of the advice of Army experts.

Some considerable part of the sum necessary to be expended to complete existing armament relates to matters already undertaken by Congress, but not yet completed. This is especially true of the fortifications at Cape Henry. The greater part of the balance necessary has been brought about by virtue of the development of modern battleships. Such development has resulted in the very great increase in the number and power of the guns carried and increased range and accuracy of fire of such guns, making necessary additions to the land fortifications to offset these factors. The growth of

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cities has in certain instances also brought a large area of the population within the zone of fire of hostile ships without the necessary protection by land batteries of equal or greater range. The remainder is chiefly to supply the very much greater quantity of reserve ammunition now deemed necessary.

The character of the bill reported is evidence of the belief on the part of the committee that the policy of Congress in the past in following the recommendations of the Army experts should be continued in the future. Later on in this report somewhat detailed statements are made as to the purposes sought to be accomplished by the estimates submitted this year, and the appropriations recommended. It is proper now to state that no request of the department presented by the officers called to support the estimates submitted has been ignored. Such material changes as may have been made have been chiefly the result of revised estimates of the department, as disclosed by the testimony of officers appearing before the committee. If the policy adopted by the committee is acquiesced in and continued by Congress all of the recommendations made by this recent board of review will within the space of a very few years have been brought to realization. Of necessity, appropriations for much of this fortification work are restricted by the physical limitations of construction of emplacements and the creation of armament.

For some years past the committee has followed the policy when once a project is undertaken of supplying funds for its completion as rapidly as they can be availed of. The estimates in recent years that have been requested touching the insular possessions and Panama have been allowed practically in their entirety, and those fortifications are not surpassed by any in the world. The recommendations of the Board of Review touching additional armament are very moderate in view of the tremendous extent of the country and its possessions, and in view of the further fact of the very great and recent developments in naval armament. That they are so moderate is the very best tribute to the existing excellence of the fortifications we possess. It may be informing to state that there are now emplaced in the continental United States, insular possessions, and Panama the following guns:

Guns now mounted or being mounted (after eliminating batteries declared obsolete by the War Department Board of Review): 16-inch, 1; 14-inch, 24; 12-inch, 111; 10-inch, 131; 8-inch, 49; 6-inch, 206; 5-inch, 52; 4.7-inch, 31; 4-inch, 4; 3-inch, 276; mortars, 406. Total, 1,293.

The mine defenses are elaborate and practically completed for all existing fortifications and provision will be made for mine defenses in connection with new fortifications as soon as the emplacement of guns makes such action desirable.

RESERVE AMMUNITION FOR SEACOAST GUNS.

Reference has already been made as to the new basis for the supply of reserve ammunition for the guns already emplaced and those contemplated. A review of the subject in the light of the European war caused the board to very greatly increase the amount of such reserve ammunition thought to be requisite, and it has submitted this year an estimate of three millions of dollars, with a contract authorization of three and one-half millions to be expended toward

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securing a new reserve. The committee has allowed in its entirety the estimate submitted, making an appropriation in effect of six and one-half millions for this purpose, as against previous annual appropriations of $200,000.

RADIO-DYNAMIC TORPEDOES.

For many years past the desirability of having an offensive weapon in connection with seacoast fortifications in addition to the passive ones of land batteries and fixed or floating mines has been felt by all authorities. The officers of the War Department in order to acquire such a weapon have for more than a year past been witnessing tests of the invention of John H. Hammond, jr., for the radio control of dynamic torpedoes. The report of these officers and the Board of Ordnance and Fortifications has been in favor of acquiring the invention of Mr. Hammond and the installation of several units of the system. The committee conducted very elaborate hearings, having before it Army officers who had witnessed the tests and others familiar with the system. As questions arose involving the viewpoint of naval officers relative to the effectiveness of such a weapon and the means that might be adopted for protection against it, the committee had several Navy officers to present their views.

As the result of the testimony submitted, and after a very full consideration of the subject, the committee has felt warranted in recommending to Congress an appropriation of $750,000 for the acquirement of the rights of Mr. Hammond, conditioned, however, upon a satisfactory demonstration of the value of his system before a joint Army and Navy board, and provision is made for a sum sufficient to conduct such test. A proposal has been made by Mr. Hammond and the company owning the rights in the invention whereby in the event of a favorable report immediate acquisition of all rights may be had. The sum involved was so large as to make the committee feel that it should take the extra precaution of having a report by a joint board of Army and Navy officers before the rights were acquired. Provision is also made, in the event that the rights are acquired, for the building of one unit, and should the expectations of its advocates be realized provision can be made for the installation of other units as desired.

MOBILE GUNS AND MORTARS FOR SEACOAST DEFENSE.

The board of review in its report recommends, as has been stated, the use of mobile mortars and guns of large caliber, transported by rail, as auxiliary defenses for our coast, and the committee has recommended an appropriation for the building of one such mortar and gun. The Ordnance Department is engaged at present in working out the detailed plans for such gun and mortar, and it is believed that they will successfully solve the problem, in which event provision can be made for the rapid acquisition of a number of such mortars and guns.

Aside from the usual estimates submitted in connection with the maintenance of existing fortifications and those for the completion of fortifications recently started, the estimates submitted by the department had in view the procurement of necessary land at Rockaway Beach, in connection with the defense of New York City, and for additional land at San Francisco and San Pedro. Sums adequate

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for all of these purposes are carried in the bill. Estimates were also submitted and allowed for the building of emplacements and mounting seven 12-inch guns upon barbette carriages, with high-angle fire, so as to give to such guns a range of 30,000 yards. It is contemplated that these guns shall be placed at New York, Boston, and either Portland or San Francisco. Estimates were also submitted and sums are carried for the emplacement of fifty-four 3-inch antiaircraft guns at various of the fortifications.

Sums were asked and allowed for pushing forward the fortifications at Cape Henry as fast as physical conditions would permit. Provision was also made for the construction of six 16-inch guns, four of which will go to Cape Henry and two to Rockaway Beach.

INSULAR POSSESSIONS.

For the insular possessions, estimates were submitted for the land defenses of Hawaii and the Philippines and allowed. Estimates were also submitted and allowed for the mounting of eight 12-inch guns with high-angle fire and for 10 antiaircraft guns, 6 of the 12-inch guns to be located in Hawaii and the remaining 2 in the Philippines. Estimates were submitted for $1,700,000, with a contract authorization of $500,000 for reserve ammunition for the insular possessions and allowed in its entirety. Provision was made and allowed for the completion of mine defenses in the insular possessions.

FIELD ARTILLERY.

As previously stated, the bill carries items for the mobile artillery and the ammunition therefor for the Regular and Volunteer Army. Estimates for such purposes have been submitted in the past based on various schemes relative to the size of the mobile army to be equipped, and of recent years such estimates have been submitted with regard to the carrying out of what is known as the Greble Board scheme to equip an Army of 500,000 men. Recently a new board was created, popularly known as the Treat Board, that has made an elaborate report covering the whole subject which, except as to certain matter deemed confidential, is set out in the hearings. While this report has never been finally approved by the War Department, it has become so plainly apparent in the light of the European war, that greatly increased supplies of guns and ammunition of existing calibers and others of very much greater calibers than heretofore contemplated, would be necessary, that the estimates submitted were very much greater than any that have ever been previously submitted to Congress.

The committee did not undertake to pass judgment upon the report of the Treat Board, nor does it express any opinion as to how far that report should be accepted in lieu of the Greble Board report, but it could not help but be impressed with the very great need of additional equipment for the mobile artillery, and as the sums asked were very, very far short of the amount necessary to be appropriated if a scheme even one-half as ambitious as the Treat Board's is to be carried out, the committee felt warranted in allowing practically in their entirety the sums requested. These appropriations and contracts or obligations authorized total something over $10,000,000.

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The committee upon its own initiative has recommended an appropriation of a million dollars for equipping private plants with the machinery and fixtures requisite to enable them to supply various kinds of war material. Further along in this report is set out in its entirety the language of this provision.

Provision is carried at the end of the bill requiring and directing that the arsenals be used at their full economic capacity, and a limitation is placed upon the price that may be paid for any material purchased from private manufacturers. These provisions are set out in full at the end of the report. Full hearings were had on all matters relating to the bill, and in particular the committee sought to obtain acccurate information touching the present capacity of Government plants for the manufacture of war matériel, together with certain data touching the possibility of enlarging them and the cost. In view of the fact that there is pending before the subcommittee on the sundry civil bill various estimates relative to these arsenals and their enlargement, and that it has been customary in recent years to have that bill carry appropriations for such purposes, the committee makes no report upon the need and desirability of enlarging Government plants. The information contained in the hearings, however, together with that that will be available in connection with the sundry civil bill it is hoped will enable Congress to fully advise itself of the facts touching this most important subject.

FISCAL STATEMENT.

The following statement of the various appropriations in connection with the subject dealt with by this bill is of interest. In addition to the financial information given an attempt is made to give a skeleton outline of the entire bill with a brief statement as to the different agencies of the War Department under which the money is expended and the work executed:

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance and armament, and for the 12 fiscal years 1875 to 1886, inclusive, the appropriations by Congress on this account averaged only $540,750 per annum, and only $463,500 per annum for the 14 years, including 1887 and 1888, for which latter two fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftieth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and continued at the succeeding terms of Congress in acts approved August 18, 1890, February 24, 1891, July 23, 1892, February 18, 1893, August 1, 1894, March 2, 1895, June 6, 1896, March 3, 1897, May 7, 1898, March 3, 1899, May 25, 1900, March 1, 1901, June 6, 1902, March 3, 1903, April 21, 1904, March 3, 1905, June 25, 1906, March 2, 1907, May 27, 1908, March 3, 1909, June 23, 1910, March 4, 1911, June 6, 1912, February 13, 1913, June 27, 1914, and March 3, 1915.

The appropriations by said acts for the 28 fiscal years 1889–1916 aggregate $158,644,913.62, of which sum $136,814,971.62 was appropriated for the United States and $21,829,942 for the insular possessions, an average of $5,665,889.77 per annum.

The fortifications appropriation acts enacted during the Fifty-fifth Congress (fiscal years 1899 and 1900) appropriated $14,287,396, in

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addition to which amount sums aggregating $8,674,898 were provided in deficiency appropriation acts for fortifications and the armament thereof, and the further sum of $13,049,751.86 was allotted for the same objects from the general appropriation of $50,000,000 made for the national defense in the act of March 9, 1898, making in all $36,012,045.86 available for fortifications and the armament thereof under appropriations made during the Fifty-fifth Congress. In addition to the above, the sum of $2,500 was appropriated for fortification purposes in the act making appropriations for the support of the Army dated September 22, 1888; $35,000 by the act making appropriations for the support of the Army dated March 2, 1901; $259,200 by the act making appropriations for the support of the Army dated June 30, 1902; and $389,000 by the act making appropriations for the support of the Army dated March 2, 1903; total, $685,700.

There was also appropriated by the act making appropriations for the sundry civil expenses of the Government approved April 28, 1904, $591,046.25; under the act making appropriations for the sundry civil expenses of the Government approved March 3, 1905, $40,000; under the act making appropriations for the sundry civil expenses of the Government approved June 30, 1906, $158,953.75; by the deficiency act of July 7, 1898, $0.70; by the deficiency act of February 14, 1902, $2.68; by the deficiency act of July 1, 1902, $4.38; by the sundry civil act of March 4, 1911, $154,667; and by the sundry civil act of March 3, 1915, $8,000; total, $952,674.76.

The urgent deficiency act of February 14, 1902, carried $3,000 for fortifications and the deficiency act of March 4, 1907, $977.79.

The joint resolution approved June 23, 1914, appropriated $31,000 to complete the purchase of necessary land at Cape Henry, Va.

The total appropriations made for fortifications and other works of defense since 1888, and since the recommendations of the Endicott Board of 1885, including the appropriations made in deficiency and other acts, including the Army bills dated September 22, 1888, March 2, 1901, June 30, 1902, and March 2, 1903, the sundry civil bills dated April 28, 1904, March 3, 1905, June 30, 1906, March 4, 1911, and March 3, 1915, and allotments made from the national defense fund amount to $182,042,916.03, of which sum $159,908,-307.03 was for the United States and $22,134,609 for the insular possessions, and has included the necessary cost of maintenance; $91,578.95 of the amount appropriated for the United States was expended for submarine mines in the insular possessions and the Canal Zone.

The scheme of seacoast fortifications for the continental United States contemplated by the Endicott Board, as modified by the National Coast Defense Board (see S. Doc. No. 248, 59th Cong., 1st sess., for report), and as revised to date, it is estimated, will cost in the aggregate $199,187,584.08, of which amount the sum of $129,282,707.40 has been appropriated, a more particular discussion of the details of which will appear elsewhere in this report. Of the amount appropriated there has been returned to the Treasury the sum of $1,057,530.32.

The scheme of fortifications for the insular possessions contemplated by the National Coast Defense Board, as revised to date, it is estimated, will cost in the aggregate $33,236,759, of which there

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has been appropriated the sum of $22,134,609, the details of which are also discussed more at length elsewhere herein.

The difference between the estimated whole cost of the so-called Endicott scheme of fortifications, as modified and revised to date, for continental United States, $199,187,584.08, and the appropriations made therefor to date, $129,282,707.40, less amount returned to Treasury, $1,057,530.32, amounts to $70,962,407.

The difference between the estimated whole cost of the scheme of fortifications for the insular possessions, as revised to date, $33,236,759, and the appropriations already made therefor, $22,134,609, amounts to $11,102,150.

The difference between the combined estimated cost of both schemes, $232,424,343.08, and the combined appropriations therefor to date, $151,417,316.40 (less amount returned to Treasury, $1,057,530.32), amounts to $82,064,557.

The difference between the $151,417,316.40 already provided toward the scheme of the Endicott Board, modified by the National Coast Defense Board, and the sum total of appropriations, $182,042,916.03 for fortifications since 1888, amounting to $30,625,599.63, is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun-carriage factory at Watertown, the powder factory at Picatinny, N. J., the Ordnance and Fortification Board, the manufacture of mountain, field, and siege guns, and ammunition therefor, and for sundry other objects incident to providing and maintaining a system of seacoast defenses, and the amount returned to Treasury.

In addition to the foregoing general statement as to the history of and appropriations for the scheme of seacoast fortifications adopted by Congress in 1888 and prosecuted by annual appropriations since that year, it is deemed pertinent at this time to discuss somewhat more in detail the subject of these very considerable expenditures.

These items of appropriation may be roughly divided into three general classes, namely:

1. Fortification of seacoast forts, including ammunition.
2. Supply of Field Artillery matériel, including ammunition.
3. Miscellaneous items related to the above but not strictly forming parts thereof.

The first classification can be subdivided into three items: (*a*) Items pertaining to new armament and installation, including reserve ammunition. These items embrace guns, gun carriages, emplacements, sites for defense, electrical installation, searchlights, sea walls, submarine-mine structures, fire-control instruments and structures, and ammunition; (*b*) items pertaining to maintenance, repair, and alterations of property embraced in subdivision (*a*), except ammunition; and (*c*) items pertaining to seacoast target-practice ammunition, including appliances for same, and subdivisions (*a*) and (*b*) should also be segregated according as they relate to continental United States and the insular possessions.

Under these three subdivisions of the first general division there has been heretofore appropriated for continental United States, including practice ammunition used in the insular possessions, $129,282,707.40. Of this amount under subdivision *a*, items pertaining to new armament and installation, there has been appor-

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tioned $90,557,055.59; items relating to reserve ammunition, $15,452,885.98. Under subdivision *b*—that is, the item for maintenance, repair, and alteration—there has been appropriated $16,101,177.51. Under subdivision *c*, seacoast target-practice ammunition, there has been appropriated the sum of $6,114,058. There has been covered into the Treasury unexpended $1,057,530.32.

Under subdivisions *a* and *b* there has been appropriated for the insular possessions $22,134.609. This total includes under subdivision *a* items pertaining to new armament and installation, $18,425,887.12; items for reserve seacoast ammunition, $3,200,000. Under subdivision *b*, for maintenance, repair, and alteration, there has been appropriated $508,721.88. So that the total of appropriations for both continental United States and the insular possessions, under heading No. 1, amounts to $151,417,316.40.

The second general classification, to wit: Supply of Field Artillery material, including ammunition, can also be subdivided into three classifications similar to that of item No. 1. In other words, (*a*) those pertaining to new material, including reserve ammunition; (*b*) those pertaining to maintenance, repair, and alteration; and (*c*) those pertaining to target-practice ammunition.

The total appropriated has been $13,845,800. The total of the above that is included under the subdivision *a*, new material, including reserve ammunition, is $12,168,800 of which $5,361,600 was for such reserve ammunition, leaving $6,807,200 as the amount that has been appropriated for new material. Of this latter sum, $1,175,000 is counted as being for new material, though it is literally for the purpose of making new batteries out of old ones.

Under subdivision *b*, for maintenance, repair, and alteration, there has been appropriated $491,000. Under subdivision *c*, for target-practice ammunition, there has been appropriated $1,186,000.

The third general classification, to wit, miscellaneous items related to the preceding but not strictly forming parts thereof, consists of the following items, totaling appropriations of $16,779,799.63:

Board of Ordnance and Fortification	$2,600,000.00
Proving ground, Sandy Hook	1,747,178.00
Machine guns not used for seacoast defenses	385,073.00
Ordnance establishments, buildings, gun factory, powder factory, etc.	3,376,952.00
Machinery for ordnance establishments	470,097.83
Experimental guns, carriages, and ammunition	653,041.03
Testing experimental guns and carriages, armor plates, etc	148,085.84
Implements, equipments, alteration, and maintenance of old armament	519,038.00
Field material and ammunition of old designs	6,331,819.75
Return to Treasury	110,928.69
School submarine defense	16,500.00
Amount expended for temporary batteries (national defense fund)	302,817.99
Construction of post buildings, act June 6, 1896	100,000.00
Repair and maintenance Fort Monroe, Va., acts Mar. 2, 1895, and June 6, 1896	18,267.50

The cost of carrying out the projects of the War Department Board of Review, including the installation of new armament, and the completion of accessories for existing armament, is estimated at $70,962,407 for continental United States, and $11,102,150 for the insular possessions.

In addition to the above for the continental United States it is estimated that there will, in the future, be annually required $1,000,000

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for maintenance, repair, and minor alterations, and $516,000 for target practice.

And, in addition, it is also estimated that $70,000 will be annually required for maintenance, repair, and minor alterations, plus a proportionate increase due to the installation of new armament as it is supplied for the insular possessions.

FIELD ARTILLERY AND AMMUNITION THEREFOR.

The appropriations for field artillery material recommended by the committee for several years past have been in furtherance of a War Department project adopted in 1911, which was based upon the report of the Greble Board. As has been stated, the department during the past year convened a board of officers, known as the Treat Board, for the revision of the project of the Greble Board. The recommendations of the Treat Board have been submitted to, but have not been approved by, the War Department. These recommendations contemplate a very material enlargement of the program of the Greble Board, due to an increase from 6 to 11 in the number of field arms on which the project is based, an increased ratio of guns to troops, an increase in the power of the guns recommended, and an increase in the supply of ammunition per gun to be accumulated.

Under the second general classification, first noted, it is estimated that the sums remaining to be appropriated under the Greble Board project, for items under subdivision (*a*) are as follows: For new material, including funds for the alteration of 3.2-inch batteries, $3,241,718.07; for reserve ammunition, $4,187,812; making a total of $7,429,530.07. These sums are exclusive of the amount, $17,421,-239.43, remaining to be appropriated for new material and ammunition for the militia, for which appropriations are carried from year to year in the Army bill. The total remaining to be appropriated under the project of the Greble Board, therefore, for new material and for reserve ammunition, is $24,850,769.50.

The corresponding sums remaining to be appropriated under the project of the Greble Board, modified to accord with a department plan for the Army as embodied in H. R. 12766, present session, are for new material, $3,513,881.80; for reserve ammunition, $3,514,312; and for the militia, $52,832,064.40; or a grand total of $59,860,258.20.

The corresponding sums to procure the material recommended by the Treat Board for both the Regular Army and the militia, are for new material, $158,800,000; for reserve ammunition, $292,000,000; or a grand total of $450,800,000. The corresponding sums required to carry out the recommendations of the Treat Board, if modified as recommended by the Chief of Ordnance, are for new material, $118,630,941.10; for reserve ammunition, $129,655,439; or a grand total of $248,286,380.10. In both of the latter two projects the totals given are exclusive of the sum of $10,500,000 estimated as required for the procurement of motor trucks to be furnished by the Quartermaster Corps when war is imminent, and of the cost of Signal Corps equipment.

In addition to the above, it is estimated that there will be required annually $100,000 for alteration, maintenance, and repair, and $400,000 for target practice.

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In the present estimates there is asked, under the first general division for continental United States, subdivision *a*, new material, etc., $11,916,473.80, of which sum there is recommended in the accompanying bill $10,301,200; under subdivision *b*, maintenance, repair, etc., $1,210,750, of which amount the bill carries $967,750; and under subdivision *c*, target-practice ammunition, $490,000, and $26,000 for submarine-mine practice, all of which is recommended in the bill, making a total estimate of $13,643,223.80, of which the bill carries $11,784,950.

In the insular possessions, under subdivision *a*, there is asked for new material, ammunition, etc., $2,499,150, of which there is recommended in the bill $2,487,100; and under subdivision *b*, maintenance, repair, etc., $127,750, of which the sum of $98,500 is recommended; making total estimates of $2,626,900, of which $2,585,600, as above stated, is recommended; making a grand total of estimates of $16,270,123.80 for both continental United States and the insular possessions under the first general division, of which there is recommended $14,370,550.

Under the second general classification there is asked, under subdivision *a*, new material, etc., including alteration of 3.2-inch batteries, $5,727,500, of which $5,716,500 is recommended, with an authorization of $5,000,000; under subdivision *b*, maintenance, repairs, etc., $105,000, of which $100,000 is given; under subdivision *c*, target-practice ammunition, $862,500, of which $400,000 is given; making total estimates of $6,695,000, of which the bill carries $6,216,500, with authorization of $5,000,000 as above.

Under the third general division there are asked the following items:

Current expenses, ordnance proving ground, Sandy Hook, N. J.	$75,000
Expenses of officers at the proving ground and compensation of draftsmen	35,000
Board of Ordnance and Fortification	300,000
Total	410,000

All of the estimates under the third general division $410,000 are recommended and in addition thereto the sum of $1,000,000 is included in the bill, as follows:

For the procurement of such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including such plans, specifications, and detailed drawings as may be necessary for the immediate manufacture of arms, ammunition, and other material necessary for the defense of the country and for plans for and the installation of such material in private plants in the United States under such contract and agreement as may be made by the Secretary of War, $1,000,000: *Provided*, That not exceeding twenty-five per centum of said sum may be used in obtaining from plants so equipped such war material as may be desired: *Provided further*, That not exceeding $50,000 worth of such material may be purchased from any one person or company, and in making such expenditures the laws prescribing competition in the procurement of supplies by purchase shall not govern.

JURISDICTION OVER EXPENDITURES.

The funds appropriated under the fortification acts are expended by or under the supervision of the Chief of Ordnance, the Chief Signal Officer, and the Chief of Engineers. In general terms the Chief of Ordnance has charge of those items pertaining to seacoast cannon, including their carriages, sights, implements, and equipments;

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mountain, field, and siege cannon, including their carriages, sights, implements, and equipments; ammunition for seacoast cannon; ammunition for mountain, field, and siege cannon; ammunition, subcaliber guns, and other accessories for seacoast artillery practice; ammunition, subcaliber guns, and other accessories for mountain, field, and siege artillery practice; alteration and maintenance of seacoast artillery; alteration and maintenance of mobile artillery; current expenses of the ordnance proving ground, Sandy Hook, N. J., necessary expenses of officers at the proving ground, and compensation of draftsmen. In addition he has charge of the accounts, although not of the disbursements, pertaining to submarine mines, and the Board of Ordnance and Fortification, and expends the funds allotted him by the Secretary of War for fire-control instruments.

The Chief Signal Officer has charge of the operation and maintenance of fire-control installation at seacoast defenses and the expenditure of such funds as may be allotted him by the Secretary of War for the procurement of wiring and instruments for communication service from the appropriations for fire control.

The Chief of Engineers has charge of the construction, maintenance, repair, and modernization of emplacements for seacoast armament; installation and replacement of electric light and power plants and searchlights at seacoast fortifications; procurement or reclamation of land for sites for fortifications; preparation of plans for fortifications; tools, electrical, and engine supplies for operating electric light and power plants in seacoast batteries, and reserve lights therefor; construction, maintenance, and repair of sea walls and embankments; construction, preservation, and repair of structures for torpedo defense; land defenses of seacoast fortifications, exclusive of electrical communications and armament; and the expenditure of such funds as may be allotted him by the Secretary of War from fire-control appropriations for construction of fire-control stations and accessories and purchase of lands and rights of way.

The estimate for fire-control stations and accessories, electrical communications, and range finders, and other instruments for fire control at the fortifications is submitted by the Chief of Coast Artillery, and the appropriation when made is carried on the books of the disbursing officer of the War Department, expenditures being made by the Chief of Ordnance, the Chief Signal Officer, and the Chief of Engineers in accordance with allotments made them by the Secretary of War for particular purposes. The estimate for submarine mines is prepared by the Chief of Coast Artillery and disbursed under his supervision; the accounts are kept by the Chief of Ordnance.

LIMITATIONS.

The following provisions with respect to expenditures are recommended as follows:

On page 13:

Sec. 2. That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

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On page 14:

SEC. 3. That appropriations in this act shall not be expended for powder other than small-arms powder at a price in excess of 53 cents a pound.

On page 14:

SEC. 4. That except as expressly otherwise authorized herein no part of the sums appropriated by this Act shall be expended in the purchase from private manufacturers of any material at a price in excess of twenty-five per centum more than the cost of manufacturing such material by the Government, or, where such material is not or has not been manufactured by the Government, at a price in excess of twenty-five per centum more than the estimated cost of manufacture by the Government.

On page 14:

SEC. 5. That expenditures for carrying out the provisions of this Act shall not be made in such manner as to prevent the operation of the Government arsenals at their most economical rate of production, except when a special exigency requires the operation of a portion of an arsenal's equipment at a different rate.

COMPARATIVE STATEMENT.

The following shows, by items, the appropriations made in the last fortification act, the amounts submitted at this session in the estimates, and the amounts recommended in the accompanying bill.

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FORTIFICATIONS APPROPRIATION BILL, 1917.

Comparative statement showing the amounts appropriated for 1916, the estimates for 1917, and the amount recommended in the accompanying bill for 1917.

Object.	Appropriations for 1916.	Estimates for 1917.	Recommended for 1917.
Fortifications and other works of defense.			
Gun and mortar batteries, construction of	$585,000.00	$2,533,000.00	$2,300,000.00
Modernizing older emplacements	100,000.00	78,500.00	78,500.00
Fire-control stations and accessories, construction of	130,000.00	617,982.80	600,000.00
Coast Artillery war instruction	500.00	1,250.00	1,250.00
Electric light and power plants at seacoast fortifications	50,000.00	110,000.00	.....
Searchlights for important harbors	150,000.00	226,700.00	226,700.00
Protection, preservation, and repair of fortifications	200,000.00	250,000.00	225,000.00
Plans for fortifications	10,000.00	10,000.00	25,000.00
Supplemental estimate in H. Doc. 430	.....	15,000.00	
Electric light and power equipment and searchlights, maintenance, repair, tools, etc	40,000.00	40,000.00	40,000.00
Sea walls and embankments, construction of	27,000.00	.....	.....
Fire-control stations, operation and maintenance	130,000.00	130,000.00	130,000.00
Submarine mines, operation, preservation, and care of, including mining casemates, cable galleries, etc	31,000.00	254,060.00	200,000.00

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Sites, purchase of		1, 867, 000. 00	1, 400, 000. 00
Greene, Frank, payment to	138. 90		
Total, fortifications and other works of defense	1, 453, 638. 90	6, 133, 492. 80	5, 226, 450. 00
Field artillery and armament of fortifications.			
Mountain, field, and siege cannon:			
Purchase, manufacture, equipment, etc	[1] 450, 000. 00	[2] 2, 486, 500. 00	[4] 2, 821, 500. 00
Ammunition for	1, 160, 000. 00	[3] 2, 711, 000. 00	[5] 2, 700, 000. 00
Seacoast cannon:			
Purchase, manufacture, equipment, etc	300, 000. 00	[2] 1, 764, 500. 00	[6] 1, 284, 500. 00
Ammunition for	200, 000. 00	[2] 3, 000, 000. 00	[4] 3, 000, 000. 00
Subcaliber guns, seacoast artillery, ammunition for	425, 000. 00	490, 000. 00	490, 000. 00
Mobile artillery, alteration and maintenance	50, 000. 00	105, 000. 00	100, 000. 00
Subcaliber guns, mountain, field, and siege artillery, ammunition for	135, 000. 00	862, 500. 00	400, 000. 00
3.2-inch batteries, alteration, sights, etc	170, 000. 00	530, 000. 00	195, 000. 00
Seacoast artillery, alteration and maintenance of	500, 000. 00	618, 000. 00	400, 000. 00
Total armament of fortifications	3, 390, 000. 00	12, 567, 500. 00	11, 391, 000. 00

[1] In addition authority was granted to enter into contracts or incur obligations not to exceed $300,000.
[2] In addition authority is requested to incur obligations not to exceed $3,500,000.
[3] In addition authority is requested to incur obligations not to exceed $1,500,000.
[4] In addition authority is granted to incur obligations not to exceed $3,500,000.
[5] In addition authority is granted to incur obligations not to exceed $1,500,000.
[6] In addition authority is granted to incur obligations not to exceed $3,000,000.

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Comparative statement showing the amounts appropriated for 1916, the estimates for 1917, and the amount recommended in the accompanying bill for 1917—Continued.

Object.	Appropriations for 1916.	Estimates for 1917.	Recommended for 1917.
Proving ground, Sandy Hook, N. J.			
Current expenses	$56,200.00	$75,000.00	$75,000.00
Expenses of officers and pay of draftsmen	18,700.00	35,000.00	35,000.00
Total, Sandy Hook Proving Ground	74,900.00	110,000.00	110,000.00
Submarine mines.			
Submarine-mine material, purchase, manufacutre, and test	26,000.00	26,000.00	26,000.00
Submarine mines and appliances, purchase of	190,000.00	596,231.00	123,000.00
Submarine mine matériel, maintenance of	68,000.00	68,000.00	68,000.00
Total, submarine mines	284,000.00	690,231.00	217,000.00
Radiodynamic torpedoes	.....	947,000.00	1,167,000.00
Fortifications in insular possessions.			
Protection, preservation, and repair of fortifications:			
Hawaiian Islands	2,000.00	5,000.00	3,000.00
Philippine Islands	3,000.00	16,500.00	10,000.00

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Torpedo structures:			
Hawaiian Islands	1,000.00	.....	.....
Philippine Islands	1,000.00	.....	.....
Land defenses:			
Hawaiian Islands	150,000.00	129,000.00	129,000.00
Philippine Islands	.....	115,000.00	170,000.00
Supplemental estimate in H. Doc. 571	.....	55,000.00	
Electric light and power plants and searchlights, maintenance, operation, tools, etc.:			
Hawaiian Islands	1,500.00	2,500.00	2,000.00
Philippine Islands	3,000.00	4,000.00	3,500.00
Sea walls and embankment. Hawaiian Islands	21,000.00	.....	.....
Submarine mines, preservation, operation, and care of, including mining casemates, cable galleries, etc	17,000.00	10,000.00	10,000.00
Fire-control installations, operations, etc	10,000.00	10,000.00	10,000.00
Seacoast cannon:			
Purchase, manufacture, equipment, etc	110,000.00	240,000.00	[2] 240,000.00
Ammunition for	400,000.00	[1] 1,700,000.00	[3] 1,700,000.00
Seacoast artillery:			
Alteration and maintenance	60,000.00	79,000.00	60,000.00

[1] In addition, authority is requested to incur obligations not to exceed $500,000.
[2] In addition, authority is granted to incur obligations not to exceed $300,000.
[3] In addition authority is granted to incur obligations not to exceed $600,000.

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Comparative statement showing the amounts appropriated for 1916, the estimates for 1917, and the amount recommended in the accompanying bill for 1917—Continued.

Object.	Appropriations for 1916.	Estimates for 1917.	Recommended for 1917.
Fortifications in insular possessions—Continued.			
Submarine mines:			
Purchase of	$40,000.00	$138,100.00	$138,100.00
Material, maintenance of	7,500.00	10,750.00	10,000.00
Fire-control stations, construction, etc	15,678.00	112,050.00	100,000.00
Total, fortifications in insular possessions	842,678.00	2,626,900.00	2,585,600.00
Facilities for immediate manufacture of arms, etc			1,000,000.00
Board of Ordnance and Fortifications	15,000.00	300,000.00	300,000.00
Grand total, fortifications	6,060,216.90	23,375,123.80	21,997,050.00

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 499.

POLITICAL STATUS OF THE PHILIPPINE ISLANDS.

APRIL 6, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. JONES, from the Committee on Insular Affairs, submitted the following

REPORT.

[To accompany S. 381.]

The Committee on Insular Affairs, to whom was referred the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands, beg leave to report that they have had the same under consideration and recommend that the same do pass.

The legislative and governmental features of S. 381 do not differ materially from those of H. R. 18459, which passed the House of Representatives at the second session of the Sixty-third Congress. The main difference between the two measures is that H. R. 18459 of the Sixty-third Congress contained a solemn declaration of the intention and purpose of the United States to recognize the independence of the Philippine Islands as soon as a stable government could be established therein, although fixing no definite date upon which said independence should take effect, whereas this bill (S. 381) provides for the withdrawal of the sovereignty of the United States over the Philippine Islands, and the recognition of their complete independence in not less than two nor more than four years from the date of the approval of the act, with the proviso that if the President shall find, prior to the expiration of the period of four years, that the internal or external affairs of the islands in respect to the stability or efficiency of their proposed government are such as to warrant him in doing so, he may extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the expiration of the period of four years.

The act of Congress establishing a civil government in the Philippines, known as the organic act, is entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." This act was

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approved July 1, 1902, and, except as amended in several unimportant particulars, is the law under which the Philippine Islands are to-day governed, although designed and specifically declared to be merely a temporary measure.

At the second session of the Sixty-second Congress this committee reported a bill (H. R. 22143) entitled "A bill to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes." The general purpose of that bill was to establish for the Filipinos a provisional government more liberal and autonomous in character than that created under the act of Congress of July 1, 1902, that government to begin on the 4th day of July, 1913, and to continue for the period of eight years, after which they were to be given complete independence. In fine the Filipinos were given in that bill a much larger measure of popular self-government than had theretofore been exercised by them, together with the definite promise and assurance that on and after the 4th day of July, 1921, they would be granted full and complete independence.

The bill H. R. 18459, which declared it to be the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government could be established therein, and which passed the House of Representatives on the 14th day of October, 1914, was never considered in the Senate. Whilst that bill did not fix a precise date for the alienation of the Philippine Islands, it did give to the Filipinos distinct assurance that at a time the date whereof was capable of being made definite and certain they would be given their independence. Had that bill been enacted into law it is not thought that Philippine independence would have been delayed for so long a period as six years, since it is contrary to the teachings of recent Philippine history and not in accordance with the political, social, and other conditions in the islands to believe that the Filipinos are incapable of establishing a stable government. Their ability to maintain such a government, once it has been established, against foreign agression is quite a different proposition. The bill to which the committee now gives it sanction, if it shall become law, will not, it is believed, result in earlier independence than would that to which it gave its approval in the Sixty-third Congress had it been enacted into law.

The report made to the House of Representatives by this committee at the second session of the Sixty-second Congress, to accompany the bill (H. R. 22143), which fixed the 4th day of July, 1921, as the date for the consummation of Philippine independence, related the principal events leading up to the establishment of the present form of government in the Philippines and presented certain evidence upon which was based the belief that the Filipinos possessed the capacity for self-government. This was embodied in the report made by this committee at the second session of the Sixty-third Congress, and as the years that have since intervened have but served to emphasize the fitness of the Filipinos to govern themselves it is deemed not inappropriate to reproduce the same in this report. It is as follows:

It may be well to indicate briefly, and in general terms, the character of the instruments of government employed in the administration of the affairs of the people of the Philippine Islands during the 13 years that have elapsed since the ratification of the

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treaty of peace between the Kingdom of Spain and the United States were exchanged at the city of Washington. This exchange, which took place on the 11th day of April, 1899, constituted the consummating act in the negotiations which resulted in the reestablishment of peace between these two nations and the transfer of soverignty over the Philippine Islands from Spain to the United States. From this time on and up to the 1st day of September, 1900, the commander of the American Army of occupation in the Philipgine Islands, acting as military governor, excercised complete and undivided authority, legislative as well as executive, throughout the Philippine Archipelago. In other words, it may be said that during this period the government of the Philippine Islands was essentially a military autocracy.

In an official communication, bearing date the 7th day of April, 1900, the President of the United States informed the Secretary of War of the appointment by him of a commission to the Philippine Islands, composed of five eminent Americans, namely, the Hon. William H. Taft, Prof. Dean C. Worcester, Hon. Luke I. Wright, Hon. Henry C. Ide, and Prof. Bernard Moses, of which Mr. Taft was to be the president. This Executive order set forth with some particularity the powers and duties conferred upon this commission, and transferred, on and after the 1st day of September, 1900, from the military governor to this new governing body, of at least doubtful constitutionality, "that part of the government in the Philippine Islands which is of a legislative nature."

By a subsequent Executive order, bearing date June 21, 1901, the Hon. William H. Taft, the president of the Philippine Commission, was appointed civil governor of the islands and empowered to exercise all executive authority on and after the 4th day of July, 1901. From and after that date the military governor was relieved from the performance of civil duties, except as to those districts in which insurrection against the Government of the United States continued to exist or in which public order was not completely established. Thenceforth, and up to the enactment by Congress of the act of July 1, 1902, the Taft Commission, in the meantime increased to eight members by the addition of three Filipinos, exercised all legislative authority in the Philippine Islands, whilst the executive functions of the so-called civil government thus set up by the President, acting in the capacity of Commander in Chief of the Army and Navy, were divided between a military commander and a civil governor.

Thus it appears that during the period which elapsed between the time of Spanish evacuation and the enactment by Congress of the act of July 1, 1902, a period of something more than three years, there existed in the Philippine Islands no less than three distinct forms of government differing materially the one from the other. The act of July 1, 1902, although in express terms declared to be merely a temporary measure of civil administration, has, with slight and unimportant amendments, remained the organic law of the Philippines for practically a decade. The bill which your committee has had under consideration not only provides in the near future, and for a definite probationary period of eight years, for a larger participation of the Philippine people in the affairs of their government than they now enjoy, but it will, if enacted into law, confer upon them at the end of that period the absolute control of their affairs, both domestic and foreign, together with their complete and unqualified independence.

THE FILIPINOS DESIRE INDEPENDENCE.

When the existing law was being considered by the Committee on Insular Affairs 10 years ago some of its advocates testified that a majority of the educated and substantial people of the Philippine Islands, whose opinions the Federal Party was said to represent, favored the permanent annexation of the islands to the United States. A prominent Filipino who at one time occupied the position of secretary of state under the Malolos government, of which Gen. Emilio Aguinaldo was the president, but who subsequently, and at that very time, was an officeholder under the Taft Commission, claiming to be the authorized spokesman of the Federal Party, testified at the committee hearings that a majority of all the Filipino people favored American annexation rather than independent self-government.

Whatever influence this testimony may have had in shaping the Philippine legislation of 10 years ago, it should certainly have none in this day and generation, for the Federal Party itself, the only political organization in the Philippine Islands ever favoring permanent annexation, has long since ceased to exist, and its successor, the Progresista Party, is quite as outspoken in its advocacy of independence as is the Nacionalista, which has always stood for an independent self-government. There is, therefore, to-day practically, if not absolutely, no division of sentiment among the civilized, Christian inhabitants of the Philippine Archipelago in respect to this question, whatever may have been the case a decade ago. The highest aspiration, the

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one great, overmastering desire of the Philippine people is to see their country free and independent. The blood shed and the untold privations for years endured for freedom's sake by this, the only Christian people in the vast Orient, abundantly testified in the past to their longing for independence. The unparalleled and phenomenal spread of education throughout the archipelago in recent years, a larger participation in public affairs, a wider and more intimate knowledge of the problems of government, and the valuable experience gained through actual practice in a popular legislative assembly have not only contributed immensely toward preparing the Filipinos for the exercise of self-government, but have at the same time quickened and intensified their desire to become a free and independent people.

NO AMERICAN SENTIMENT FAVORABLE TO PERMANENT RETENTION.

It is doubtful if there is to-day any considerable or even appreciable public sentiment in the United States favorable to the permanent retention of the Philippines. When these islands were first acquired, and for a few years thereafter, there was a more or less prevalent belief that their permanent retention would prove of great commercial advantage to the United States. It is true that during the past two years, those in which Philippine products have had free access to the markets of the United States, the value of the trade between the two countries was materially increased; and yet if every dollar in value of the merchandise imported into the Philippine Islands from the United States during the fiscal year 1911 had been clear profit to the American manufacturer, the sum total would not have equaled the cost to the people of the United States of the maintenance for a single year of our military establishment in the Philippines.

The total value of the importations, exclusive of those for the use of the Army, Navy, and the government of the Philippine Islands, and for government-aided railroads, all of which were free of duty, was $15,052,808, while the value of the Philippine products exported to the United States during the fiscal year was $16,813,864. Thus it is apparent that the combined values of the exports and imports for the year 1911 do not equal in amount the total annual cost of the Philippine Islands to the American people. So the commercial argument which at one time was vigorously advanced in favor of the permanent retention of the Philippine Islands has now been practically abandoned.

CAPACITY FOR SELF-GOVERNMENT.

Those who oppose fixing a definite time at which the Philippine Islands shall acquire their independence, although professing to favor their ultimate independence, base their opposition upon the assumption that the Filipinos are not as yet capable of governing themselves. They do not hazard even a guess as to when that time may be expected to arrive; in the judgment of most of them it may be a generation, possibly two or three generations. The menace to the peace and happiness of the American people which lies in the indefinite retention of the Philippine Islands is not to be compared, in their judgment, to the harm which they fear may result to the Filipinos if they are prematurely given the independence which they crave, and to which, it is admitted, they will some day be entitled. The grievous financial burdens which their long-continued retention as a colonial dependency will entail upon the American taxpayers is as nothing, they contend, compared to the moral obligations which the United States have assumed. Thus the "moral" or "altruistic" argument, based upon the alleged incapacity of the Filipinos for self-government, is the only argument now heard in favor of the indefinite retention of the Philippines.

But, is it true, according to any just and fair standard, that the Philippine people are not capable of self-government? For, if not true, then the only argument seriously advanced by those who would deny them independence must fall to the ground. The facts, or alleged facts, relied upon to establish their incapacity for self-government are (*a*) that the Philippine population is made up of many different tribes, inhabiting different islands, or different parts of the same islands, and speaking different dialects or languages; (*b*) that because of this isolation and difference of language they possess no common means of intercommunication; (*c*) that a number of these tribes are uncivilized and unchristianized and will always remain so, and that the Moros, the most savage and adventurous, as well as the most numerous, of the wild tribes, can never be brought to live peaceably under any government which may be established by Christian Filipinos; and, lastly (*d*), that the percentage of illiteracy, even among the Christian inhabitants, is too great to permit of any intelligent administration of government. In fine, it is contended that, wanting in education and civilization and

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lacking a common religion and a common language, it follows that the Philippine people have not that community of thought, of feeling, and of interest, that national unity and spirit, or that intelligence and educational capacity, essential to the successful establishment and permanent maintenance of a free, autonomous, and stable government.

According to the census of 1903 the population of the Philippine Islands was 7,635,426. Of these, 6,987,686 are classified as civilized. Only 647,740 are described as wild or uncivilized. Of the so-called uncivilized tribes 277,547 are Moros, who inhabit the southeastern and western portions of the island of Mindanao, which is the southernmost and next to the largest of all the islands, and the islands of the Sulu group; 211,520 are Igorots, dwelling in northern Luzon; 56,189 are Bukidnon, of the Province of Agusan, in eastern Mindanao, and the remainder are scattered in small groups throughout the islands. These official figures indisputably prove that the vast majority of the Philippine people are civilized, and many of the most beautiful cathedrals to be found anywhere in the world, as well as other substantial and costly church edifices scattered throughout the civilized portions of the islands, attest most strongly to the deep religious character of the Filipinos.

But even were it admitted that the Moros are intractable and incapable of civilization, the census figures show that they constitute less than 4 per cent—or, to be exact, just 3.7 per cent—of the whole population of the islands. Indeed, these figures show that they are actually outnumbered by the civilized Filipinos of Mindanao, notwithstanding that 226,158 of the 277,547 Moros (2,323 of whom are themselves civilized) dwell in that island. It is a fact not generally appreciated, if known, that 296,845 Christian Filipinos also inhabit the island of Mindanao. In Zamboanga, in the Moro Province, one of the most delightful of the cities of the Philippine Archipelago and the fourth in commercial importance, there were 44,322 inhabitants in the year 1903, almost equally divided between Christians and non-Christians. These facts conclusively prove that the Moros may well be regarded as a negligible quantity in considering the question of the capacity of the Philippine people for self-government. But the work of education and civilization is progressing, even among the Moros, with far better results than any of the historians and writers upon this subject of a decade ago believed to be possible.

The remainder of the wild tribes are so widely distributed throughout the archipelago, and have in the past given so little trouble to their civilized neighbors, that their government has never been looked upon as a serious problem—they must continue in a large degree the wards of the nation whatever may be the form of government under which they live. Is it then unreasonable, in view of the foregoing facts, to indulge the hope that these wild people, all of whom are of Malayan origin, would more readily submit to the restraints of a government participated in by them, and established for their protection by members of their own race, than to those imposed by an alien people? Do the facts hereinbefore set forth justify the belief that the government of the wild men of the Philippine Islands will ever become to the Filipinos, if given their independence, so difficult a problem as has been that of the American Indians to the Government of the United States?

It is true, of course, that the Philippine Archipelago is composed of many islands, and that there is no native language which is universally spoken. A large majority of the whole people, however, speak either Tagalog, Visayan, or Ilocano, which are the three principal languages of the islands. Nearly half of the Christian population, or 3,219,030, are Visayans, and there are 1,460,695 Tagalogs in the island of Luzon, to say nothing of the members of other tribes who, to the number of 2,000,000, speak Tagalog. For 300 years the official language of the Philippines has been Spanish, and whilst the percentage of the rural population speaking it was never very large, it was, nevertheless, spoken throughout the archipelago by the educated and office-holding classes and is quite universally spoken in Manila and other cities and large towns.

There has been a noticeable disposition in some quarters to create the impression that the Filipinos are an ignorant and illiterate people. This was very far from the truth, even prior to American advent. To demonstrate this it is only necessary to advert to a few salient facts bearing upon the subject of education during the long years of Spanish control. The University of St. Joseph was founded by the Jesuits in Manila very nearly 325 years ago, and 17 years before the doors of the first American college were opened the Dominican Order of the Catholic Church in the Philippine Islands established, also in Manila, the University of St. Thomas, which for more than three centuries has been in successful operation. And yet the Tagalogs had attained a well-defined civilization long before the advent of either the Dutch or the Spanish. Prior to the year 1863 there were parochial schools throughout the islands, but it was not until that year that primary schools were established, under the royal decree of

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December 20, in every municipality of the archipelago. In addition to the many private and church schools which had long been in existence prior to 1866 Spanish school statistics for that year show that there had then been established 1,674 Government-supported schools, attended by 230,358 Filipino boys and girls. There were that year 1,681 matriculates at the University of St. Thomas engaged in the study of the higher branches of learning.

There were also located in Manila prior to the revolution against Spain five colleges devoted to the education of women, among them the College of Santa Isabel; a college of agriculture; a nautical school; a superior school of painting, sculpture, and engraving; a military academy; and a number of other colleges of more or less importance, where the higher branches were taught. There were, too, as many as 9 other colleges and 67 high-grade Latin schools located in various sections of the islands. A people enjoying such superior educational advantages as these can scarcely be characterized as ignorant and illiterate. Especially can it not be said of the Tagalogs who for ages have possessed a rich literature of their own. Even in the outlying Christian settlements of northern Luzon a majority of the population could read and write their own language long before the power of Spain over the islands was broken.

It will scarcely be denied that since American occupation immense progress has been made in the direction of education. Not only have thousands of public schools been established all over the archipelago, but the standards of most of the old ones have been raised. In all of the new, and in many of the old, English is employed and taught, and the natives are evincing a praiseworthy desire to become proficient in it. Many night schools have been established for the benefit of the laboring classes, and they, as well as the higher schools, are all well attended. For nearly 10 years the average public-school enrollment has not been less than 500,000. The report of the secretary of education for the year ending June 30, 1911, shows that the enrollment for that school year reached the high-water mark of 610,493, not including 5,302 pupils enrolled in the schools of the Moro Province. The total number of public schools in operation last year, according to this report, was 4,404, and the total number of teachers employed at the end of the school year was 9,086, of whom 8,403, or over 92 per cent, were Filipinos. It is shown, too, that there was a general improvement on the part of the Filipino teachers during the year, both in scholastic attainments and in ability to teach. A splendidly equipped normal school was established in 1901 and reorganized in 1909.

This institution is annually training hundreds of young men and women to teach under the conditions which exist in all Provinces of the islands, civilized or uncivilized. The first Philippine Legislature provided for the establishment of the University of the Philippines, which was organized something over two years ago. It provides advanced instruction in literature, philosophy, and the sciences and arts, and affords professional and technical training for students who have passed through other colleges. The total registration of students at this institution of higher learning in August of last year was 1,220. All the lectures, of course, are in English and many of the learned professors are Filipinos. The late James A. Le Roy, who for two years was connected with the Philippine Commission, and who, therefore, possessed exceptional opportunities for securing information upon the subject, says in his admirable book on the Philippines, published in 1905, that "approximately one-half the Christian population over 10 years of age is literate," and that this included "the people of the most backward and outlying Christian settlements in the mountains of north central Luzon, in unsettled islands like Mindoro and Palawan, and on the outskirts of Mindanao." In the Tagalog Provinces, where the percentage of literacy is highest, it is stated by this author that the number able to read "is something over 70 per cent of the population above 10 years of age." This was seven years ago, and before the American system of education was fairly under way; before there were thousands of trained Filipino teachers conducting the schools in the English language. So much for the literacy of the Filipinos.

The Hon. Newton W. Gilbert, secretary of public instruction in the Philippine Islands, at one time a Member of the House of Representatives and of this committee, makes the striking statement in his annual report for the year 1910 that "more persons in the Philippine Islands speak and write the English language than speak or write any other language or dialect." If this were true in 1910, how much larger will be the proportion of those who speak and write English in 1921? But there is more recent and much stronger testimony than this in refutation of the oft-repeated assertion that the Filipinos possess no common language and therefore are lacking in the means of communication among themselves. In a carefully prepared article in the American Yearbook for 1911 it is stated that more Filipinos speak the English language than speak any other one language or dialect. That is to say, that more than one-half of the Christian inhabitants, who constitute more than nine-tenths of the total popula-

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tion of the Philippine Islands, have acquired the ability to speak the English language in the short space of 10 years. If this great progress has been made by the Filipinos within the last decade in the acquisition of the English language, what may not be expected of this wonderful people within the next 10 years? English-taught schools are rapidly multiplying all over the islands, and progression along all lines of education will be much more rapid in the coming than it was in the last decade. In view of the past advancement of the Philippine people in this direction, is it unreasonable to believe that when the 4th day of July, 1921, arrives English will be the common language of the Philippine Islands, and that it will afford the Philippine people that medium of communication deemed so essential to their fitness for independent existence and self-government?

Among other arguments advanced against granting the Filipinos independence is their alleged lack of homogeneity. The truth is they are more homogeneous than the people of the United States. The Director of the Philippine Census, Gen. J. P. Sanger, United States Army, says in his chapter on Population:

"As compared with the schedules of the Twelfth Census of the United States, those of the Philippine Census are somewhat simpler, the difference being due mainly to the more homogeneous character of the population of the Philippine Islands."

FILIPINO EXPERIENCE IN GOVERNMENT.

The Filipinos are not so lacking in administrative ability and in actual experience in government as has been frequently represented. There were Philippine deputies in the Spanish Cortes during portions of the first half of the nineteenth century, and in the year 1820, 17 Filipinos sat in the Spanish Parliament. The Philippine constitution, written by Apolinario Mabini, and proclaimed by the Malolos government in 1899, is justly regarded as a notable intellectual achievement. Among those who represented the Philippine Republic, established by Gen. Aguinaldo in 1908, in the Malolos Congress, were many Filipinos of learning, great ability, and unquestioned patriotism. A number of these have held, and others are still holding, positions of trust and responsibility under the present government. Two of its members have since been commissioned to represent the Philippine Islands in the capacity of Resident Commissioners to the United States, and one of them is to-day occupying a seat on the floor of the House of Representatives.

Dr. Schurman, the distinguished president of Cornell University, who was a member of the first Philippine Commission, and therefore qualified to speak upon the subject, wrote of the Filipinos 10 years ago:

"But whatever be done with them (the Mahommedans) the civilized and Christianized democracy of Luzon and the Visayans desire independence. They are fairly entitled to it, and united as they now are, I think they might very soon be intrusted with it. In their educated men, as thorough gentlemen as one meets in Europe or America, this democracy of 6,500,000 Christians has its foreordained leaders."

That there are many highly educated and thoroughly cultured Filipinos has not been, and will not be, seriously questioned. There are many who, having received their educations at the best schools and universities of Europe, have returned to the Philippines, and are prominent in the professional and educational life of the islands. Some of these have achieved much distinction. Of the seven members of the Supreme Court of the Philippine Islands, three are Filipinos, the Hon. Cayeteno Arellano being the chief justice. The attorney general is the Hon. Ignacio Villamor, a Filipino. Of the Philippine Commission, five of its members are Americans and four Filipinos. There are four executive departments of the insular government, one of which, finance and justice, is presided over by Secretary Gregario Arenata. The director of labor, the Hon. Manuel Tino, is a Filipino. The codification committee is composed of three Americans and three Filipino lawyers, the chairman of which is the Hon. Manuel Araullo.

Of the 29 judges of the courts of first instance 14 are Filipinos, and practically all of the judges of the lower courts are Filipinos. The provincial boards of the Provinces are composed of a governor, a treasurer, and a "third member." The governors and "third members" of the organized Provinces, with the single exception of Batanes, where the governor is appointive, are all elected by the people, and are, in every instance, Filipinos. Eleven of the treasurers are Filipinos. The fiscals, or prosecuting attorneys, although appointive, are in the main, if not invariably, Filipinos. On June 30, 1911, over 70 per cent of all the provincial officials in the Philippine Islands were Filipinos, and out of the more than 12,500 municipal and township officers, to quote from the last annual report of the executive secretary, "there are really but three American municipal officers in the self-governing municipalities, and two of these were elected by popular vote."

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No reference to Filipinos whose public services entitle them to a place in the history of their country, past or present, would be complete which omitted the name of the patriot, Rizal, whose glorious martyrdom stirred the hearts of Christiandom and precipitated a revolution against Spain. Dr. José Rizal, by reason of his brilliant attainments and his sublime devotion to the cause of his suffering countrymen, was easily the foremost product of the Philippine people. The anniversary of the execution of this young martyr, December 30, 1896, has been made a national holiday, and throughout the Philippines his memory is universally revered.

THE RETENTION OF THE PHILIPPINES REPUGNANT TO REPUBLICAN IDEALS AND DISASTROUS TO AMERICAN INTERESTS.

In considering the question of Philippine independence, as proposed in this bill, and in reaching the conclusions to which we have come, your committee have not by any means regarded it solely from the standpoint of the people of the Philippine Islands. On the contrary, our views are largely, if not mainly, controlled by what are believed to be the true interests of the people of the United States. The free principles upon which the American Government is founded are wholly incompatible with the idea of holding and governing against their consent any people who aspire to independence and are capable of governing themselves. Moreover, the policy of the United States has always been against expansion beyond the seas. Such expansion as has marked the marvelous growth and progress of the United States has until very recently been over land and confined to this continent. It has embraced contiguous territory inhabited by a homogeneous people, and never land in another hemisphere, separated from us by thousands of miles of water and inhabited by an alien people differing from us in manners, customs, civilization, and race. The incidents which led up to the war with Spain had not the remotest connection with the Philippines. It was not a war of conquest. It was a war waged to free from intolerable oppression a people almost within sight of our shores and not one to bring under the dominion of the United States a people struggling for their liberties and residing upon the opposite side of the globe. The Spanish-American War was fought to free Cuba and not to enslave the Philippines; to erect a republic in the Occident, not to establish a subject colony in the Orient. From the very beginning the Filipinos never welcomed American sovereignty. They accepted it only when unable longer to resist the superior strength of the United States. The late President McKinley declared in a speech delivered in the city of Chicago that "the War with Spain was undertaken, not that the United States should increase its territory, but that oppression at our very doors should be stopped." He added, "This noble sentiment must continue to animate us and we must give to the world the full demonstration of the sincerity of our purpose." To carry "this noble sentiment" into effect is the object of this bill, and, in the opinion of this committee, it is so framed as to accomplish the purpose with honor to the American people and with just and proper regard for the future welfare and the best interests of the Filipinos.

Secondary only in importance to the high moral questions of principle and right involved in the indefinite retention of the Philippine Islands is that of their constant menace to the peace and well-being of the American people. Instead of constituting a source of strength to the United States in the event of war with a first-class naval power, they would, by reason of their geographical position, become one of great weakness. Had not the Spanish army and navy been so fully occupied with the war in Cuba the story of Dewey's engagement in Manila Bay might have been one of far different import. To fortify and defend all the principal ports of the Philippine Islands would require more money, ships, armies, munitions of war, and supplies than even a country possessing the enormous resources of the United States could command, and if, therefore, the purpose in holding the Philippines is merely to maintain in the Orient a base for military and naval operations, then that purpose can much more readily, and more effectively, be accomplished by retaining only the naval bases, harborage waters, and coaling stations provided for in the measure under consideration.

As to whether or not the United States could successfully defend the Philippine Islands against a first-class naval power, that is a question about which there may be honest differences of opinion. That their defense, whether ultimately successful or not, would involve the sacrifice of tens of thousands of American lives and the expenditure of vast sums of money does not admit of two opinions. That it would mean the destruction of American commerce on the high seas and the prostration of all legitimate American enterprise and business during the continuance of the war will hardly be denied. It has recently developed, however, that it is the opinion of our military experts that it would not be expedient, in the event of war with any strong naval power, for the United States to attempt to defend the Philippines,

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The policy of the United States in such an event will be, we are told, to abandon the islands, and, for the time being at least, to leave them to their fate. If this is to be accepted as the policy and purpose of the United States, then it is difficult to understand of what advantage the fortification of the islands, or any one of them, can possibly be to this country in case of a foreign war. On the contrary, it would seem to be the part of wisdom to discontinue at once the expenditure of the vast sums which Congress is annually asked to appropriate for the fortification of the islands, and the maintenance there of a large body of troops. Whether in the event of war our troops are voluntarily withdrawn as a wise strategic or precautionary measure, or they are driven out or captured by a superior hostile force, the result will be the same. The fortifications which have been constructed, and those now in course of construction, will fall into the hands of the enemy, and will render more difficult the ultimate recovery of the islands should any attempt be made in that direction. If, therefore, the opinion expressed by the Chief of the Bureau of Insular Affairs is shared by other military authorities, and there is little room for doubt as to this, then a decent regard for national pride, if no higher consideration, would seem to dictate that the sooner we withdraw from the Philippine Islands, and relinquish sovereignty over them, the better it will be for the people of the United States.

THE COST OF MAINTAINING AMERICAN SOVEREIGNTY IN THE PHILIPPINES.

Estimates vary widely as to the cost to the United States of maintaining American sovereignty over the Philippine Islands. It will never be possible to compute with any degree of accuracy what the total cost has been from the date of American advent up to the present time. The late Senator Hoar declared more than 10 years ago that the United States had expended up to that time the enormous sum of $600,000,000, and his figures have never been successfully challenged. Within the past 10 years the United States have expended many millions in the islands for strictly military purposes. More than $10,000,000 have been expended within that period in the construction and equipment of fortifications alone.

The mean number of troops maintained by the United States in the Philippines during the fiscal year 1911 was 17,370, of whom 12,277 were Americans and 5,093 natives. It is estimated that it costs the Government $1,500 annually to maintain each soldier in the foreign service. Computed upon this basis the cost alone of maintaining the military forces in the Philippine Islands last year was over $26,000,000. It would be difficult to even estimate what part of the naval expenses of the United States should properly be chargeable to this account. It is probably safe to affirm that the sum which would be annually saved, under the conditions of peace and tranquillity which now prevail, were the United States to relinquish sovereignty over the Philippine Islands, would not fall much short, if any, of $50,000,000.

During the four years that have elapsed since the foregoing review was written the evidence upon which the Filipinos base their claim that they are capable of maintaining, as well as of establishing, a government of their own suited to their needs has steadily accumulated. As was set forth in the report made by this committee in the Sixty-third Congress, hereinbefore referred to, the policy pursued by former administrations of Filipinizing the public service as rapidly as conditions would seem to justify has been consistently pursued by the present Governor General. Thus the number of natives possessing administrative experience has been constantly increased without any impairment of the efficiency of the public service. The wisdom of the action of the present Chief Executive of the United States in increasing the Filipino membership of the Philippine Commission from four to five, by this means giving the Filipinos the control of both branches of the legislature, has been clearly demonstrated by the good results that have followed therefrom. For three successive legislatures prior to this Executive action there had been deadlocks between the Philippine Commission and the assembly which had resulted in the failure of the passage of any general appropriation bills, to the serious detriment of the public service. Since the Filipinos have been in full legislative control of their government there has

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been no lack of harmony between the two branches of the legislature, as a consequence of which efficiency in the administration of governmental affairs has been very appreciably promoted. Expensive but useless bureaus have been abolished, excessive salaries reduced, and many other economic reforms instituted without impairing in any degree the efficiency of government. The genius and capacity of the Filipinos for the exercise of the duties and responsibilities of self-government have become increasingly apparent as the policy of Filipinization has been extended. Too much emphasis, therefore, can not be placed upon the action of the President in giving to the Filipinos complete control of their legislature, and yet, when this action was taken, many Americans prophesied that it would be followed by dire results. In the special report of Gen. McIntyre, Chief of the Bureau of Insular Affairs, made on the 1st of December last, after an exhaustive personal investigation of conditions in the Philippines, it is stated:

> The unfortunate condition existing in the legislature which resulted in a failure for three years to pass the annual appropriation bill and the failure to provide revenues by necessary taxation has been replaced by a spirit of good will and cooperation between the two houses. Appropriation bills have been passed promptly, and additional taxes have been imposed to meet the heavy public work expenditures which the legislature does not wish to suspend.
>
> The legislative treatment of the Moros and other non-Christian inhabitants not represented in the legislature has been more liberal than at any time in the past.

The foregoing indisputable facts would seem to demonstrate that the Filipinos can safely be intrusted with the larger measure of self-government which is provided in this bill, and that if afforded the opportunity contemplated therein of inaugurating a Government stable in character and exclusively their own their efforts will be crowned with abundant success.

The act of Congress under which the Philippine Islands have been governed up to the present time was designed, as expressed in the title, as merely a temporary measure. In the special report of the Chief of the Bureau of Insular Affairs, already referred to, it is stated that "it is doubtful if there are any persons in the Philippines who consider political questions who do not feel that there should be some legislation along the general lines" of the House bill of the Sixty-third Congress. "The Filipino opinion," the report says, "is that the form of government had outlived its usefulness, and this opinion is shared by practically all the Americans in the islands, even by those who advanced the idea that it should have been remedied by the abolition of the popular assembly." "The reason for this," the report continues, "was quite evident to those who have followed conditions in the islands during the past 8 or 10 years. The opinion is practically unanimous that the form of government established in the islands, with an appointive commission as the upper house of the legislature, an elective assembly for the lower house, and with the commission, or upper house, given exclusive legislative authority over one-third of the territory of the Archipelago, was no longer workable. The disagreement between the two houses had assumed an almost irreconcilable form."

It may be affirmed, therefore, that it is the consensus of opinion of all who possess any knowledge of Philippine affairs that the present organic law is no longer suited to the needs of the Filipino people, and

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that if there is to be that progress and development of which they are capable a more liberal, progressive, and republican form of government must be provided for them. It is believed that this bill, if enacted into law, will at once provide such a government and at the same time secure to the Filipino people the means through which they will be enabled to organize a government of their own to take its place when their independence shall have become an accomplished fact.

SUMMARY OF THE FEATURES OF THE PROPOSED PROVISIONAL GOVERNMENT.

A number of the sections of this bill are verbatim copies of sections of the bill which passed the House in the Sixty-third Congress. The synopsis of those sections which follows is largely in the language used in the report made by this committee on that bill:

Section 1 defines the territory known as the Philippine Islands, to which the provisions of this bill are to apply. It does not change the boundaries as they at present exist.

Section 2 relates to citizenship and does not materially change the present law upon the subject.

Section 3 contains a bill of rights which is practically a copy of the present law, with the exception of two important provisions. One of these new provisions prohibits the contracting of polygamous or plural marriages and the other prohibits the manufacture or sale of intoxicating drink, with the exception of certain specified native wines and beverages.

Section 4 provides that all expenses incurred on account of the government of the Philippines shall be paid out of Philippine revenues.

Section 5 declares that the statute laws of the United States hereafter enacted shall not apply to the Philippines, except where expressly so provided.

Section 6 continues in force the existing laws and ordinances of the Philippines, except those changed by this bill or repealed by the legislative authority established under it.

Section 7 confers upon the Philippine Legislature the authority to amend or repeal any law continued in force by this bill and specially extends this power to all laws relating to revenue and taxation in effect in the Philippines subject to certain limitations.

Section 8 confers the legislative powers now exercised by the Philippine Legislature and the Philippine Commission upon the legislature provided for in this bill.

Section 9 transfers the whole of the public domain acquired by the United States from the Kingdom of Spain, and what are known as the friar lands, to the Philippine Government. Acts of the Philippine Legislature, however, with reference to lands, timber, and mining, are not to have the force of law until approved by the President of the United States.

Section 10 provides that the trade relations between the Philippines and the United States shall continue to be governed exclusively by laws enacted by the Congress of the United States, and expressly provides that tariff acts or acts amendatory to the tariff of the Philippine Islands and legislation affecting immigration into the

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islands, or the currency or coinage laws of the islands, shall not become law until approved by the President of the United States.

Section 11 confers upon the Philippine Legislature the power to assess taxes upon property and to impose internal-revenue taxes. It also increases the limitation of $12,000,000 now placed upon the public indebtedness of the islands to $17,000,000, and declares that no Province or municipality, except several specified cities, shall incur an indebtedness in a sum in excess of 5 per cent of the aggregate tax valuation of its property at any one time. It also provides the terms upon which the Philippine Government may make loans to Provinces and municipalities.

Section 12 provides that in case of the issue of bonds by any Province or municipality, the government may make provision to meet the obligation of such bonds by the levy and collection of taxes.

Section 13 establishes a Philippine Legislature, to consist of two houses, one the senate and the other the house of representatives, and vests all legislative authority in them except as otherwise specified.

Section 14 provides that the members of the senate shall be elected for terms of four years, and that each senate district shall have the right to elect two senators, and prescribes their qualifications.

Section 15 provides that members of the house of representatives shall be elected for two years, and prescribes their qualifications.

Section 16 provides that at the first election held pursuant to the provisions of the bill the qualified electors shall be those having the qualifications of voters under the present law, and defines the qualifications of those who shall vote at subsequent elections. The educational qualification at present is that voters shall be able to read and write either Spanish or English. This bill provides that they must be able to read and write either Spanish, English, or a native language. By extending the suffrage qualification so as to permit all those who can read and write any native language to vote will necessarily largely increase the number of voters in the islands, since there are many literate Filipinos who are now debarred from voting by reason of their ignorance of Spanish or English.

Section 17 divides the islands into 12 senate districts, and provides that there shall be 90 legislative districts, 81 of which shall be as now defined by law and 3 in the mountain Province, 1 in Nueva Vizcaya and 5 in the department of Mindanao and Sulu. It is provided, however, that the Governor General shall appoint, without the consent of the senate and without restriction as to residence, senators and representatives who will, in his opinion, best represent the senate district and those representative districts which may be included in the territory not now represented in the Philippine Assembly.

Section 18 provides when the terms of elective senators and representatives shall begin and how special elections may be held to fill vacancies.

Section 19 grants the power to the two houses to organize and elect the usual officers. It also fixes the compensation of senators and representatives until otherwise provided by the Philippine Legislature.

Section 20 establishes rules for the enactment of legislation. In case the Governor General shall veto any bill or resolution, the votes of two-thirds of the members elected to each house of the legislature

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are required to pass the same. Any bill or resolution thus passed over the veto of the Governor General must be submitted to the President of the United States and receive his approval before it can become a law. The Governor General is given the power to veto any particular item or items of an appropriation bill. All laws enacted by the Philippine Legislature must be reported to the Congress of the United States, which reserves power and authority to annul the same. An important provision of this section is that which provides that if at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills shall be deemed to be reappropriated. This provision so changes the language of existing law upon this subject as to prevent further recurrence of the practice resorted to on three several occasions of applying funds appropriated for specified objects and purposes to other objects and purposes in the sole discretion of the Governor General.

Section 21 provides for the election of two Resident Commissioners to the United States.

Section 22 vests the supreme executive power in a Governor General, to be appointed by the President, who is given general supervision and control of the departments and bureaus of the government. It also defines his powers and duties. All appointments made by the Governor General must receive the approval of the Philippine Senate. He is also required to submit within 10 days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill.

Section 23 provides that the Governor General shall be responsible for the faithful execution of the laws of the Philippine Islands, and of the United States operative within the Philippine Islands.

Section 24 provides for the appointment by the President of a vice governor, who shall have all the powers of the Governor General in the case of a vacancy or temporary removal, resignation, or disability of the Governor General, or in case of his temporary absence. The vice governor is to be the head of the executive department known as the department of public instruction.

Section 25 declared that, except as otherwise provided in this bill, the executive departments of the Philippine Government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. It further provides that when the Philippine Legislature shall convene and organize, the Philippine Commission, as such, shall cease to exist and that the members thereof, except the Governor General and heads of executive departments, shall vacate their offices as members of said commission. Authority is conferred upon the Philippine Legislature to increase the number or abolish any of the executive departments except that of the department of public instruction. It may also provide that heads of executive departments shall have seats in either or both houses of the legislature, with the right of debating or voting or both. All executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. This section also establishes a bureau to be known as the bureau of nonchristian

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tribes, which shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

Section 26 provides for the appointment by the President of an auditor, and defines the duties of that official. It also provides for the appointment in the same manner of a deputy auditor.

Section 27 provides for appeals to the Governor General from the decisions of the auditor.

Section 28 provides for the appointment by the President of a director of civil service, whose duty it shall be to perform the duties now prescribed by law for the director of civil service of the Philippine Government, and declares that no act amending the civil service laws of the Philippines shall be effective without the approval of the President.

Sections 29 and 30 prescribe the jurisdiction of the supreme court and the courts of first instance, which is practically as is at present. The chief justice and the associate justices of the supreme court are to be appointed by the President, while all other judges are to be appointed by the Governor General, by and with the consent of the Philippine Senate.

Section 31 confers upon the government of the Philippine Islands the right to grant franchises, including the authority to exercise the right of eminent domain. Ample provision is made in this section for protecting the rights of owners of private property and for placing proper limitations upon the issues of corporate securities.

Section 32 fixes the salaries of the officials appointed by the President of the United States and provides for their payment. The salaries of the officials not appointed by the President are to be determined by the Philippine Legislature. The salaries of the officials appointed by the President, as well as those appointed by the Governor General, are to be paid out of the revenues of the Philippines.

Section 33 continues in force and effect all laws applicable to the Philippines not in conflict with the provisions of this bill.

THE PROVISION AS TO PHILIPPINE INDEPENDENCE.

The foregoing synopsis, as heretofore indicated, relates only to the governmental provisions of the bill. The thirty-fourth, or last, section of the bill, commonly known as the Clarke amendment, embodies such provisions as relate to the future political status of the Philippine Islands.

Briefly summarized, it authorizes and directs the President to withdraw and surrender the sovereignty of the United States over the Philippine Islands and the inhabitants thereof, and confers upon him full power to take the several steps necessary to institute a free and independent Philippine government, acting by and through the governmental agencies created in the bill. This transfer of sovereignty is to become absolute not less than two nor more than four years from the date of the approval of the act. If, however, the President, prior to the expiration of the said period of four years, shall find that the condition of the internal or external affairs of the Philippines in respect to the stability or efficiency of the proposed government is such as to warrant him in so doing, he is authorized to extend the four-year period to the date of the final adjournment of the session of Congress which shall convene next after the expira-

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tion of said period. The President is also invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of the said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in the islands or having property interests therein. The President is further authorized to reserve such land as in his judgment may be required by the United States for naval bases and coaling stations.

It is to be observed that, in addition to providing for the independence of the Philippine Islands within a specified period, the foregoing section directs (1) that the President shall take the necessary steps to enable the Filipino people to organize a government of their own, to become operative upon the withdrawal of American sovereignty over the islands; (2) that it invests the President with full power to adjust all property rights and other relations between the United States and the Philippines, and to safeguard all of the personal and property rights of citizens or corporations of the United States or of other countries resident or engaged in business in the islands or having property interests therein; and (3) that it authorizes the President to reserve such naval bases and coaling stations as may be required by the United States.

The final section of this bill is therefore not only clear as to purpose, but sufficiently comprehensive in scope to meet all the ends which justice to the Filipino people and a proper regard for American interests could reasonably demand. It does not attempt to prescribe the legislative and other machinery to be employed in the institution of the government which is to take the place of the provisional government created by this bill, nor does it even suggest the form of the government under which the Philippine Islands shall become a free and independent nation. It gives to the Filipinos the definite assurance that they shall not be set adrift without a government of their own, capable of maintaining peace and order throughout the Philippine Archipelago. At the same time it places in the hands of the President of the United States the power and authority to exact from this government every possible assurance and guarantee that the personal and property rights of every citizen of the United States or of any other nationality, resident or nonresident in the islands, shall be respected and safeguarded. The President being thus specifically clothed with the solemn duty of securing protection for every American interest in the Philippines as a condition precedent to their independence no apprehension need be felt by either corporations or individuals who have made investments therein.

But the doctrine "the Philippines for the Filipinos," proclaimed by President McKinley, and reiterated from that time to this by those charged with the administration of Philippine affairs, is now to be repudiated and abandoned if certain selfish interests in the United States are to be heeded. As an argument for retaining possession of the Philippines altruism has given way to sordid selfishness—what is right to what will pay best. The advocates of "indefinite," "remote," or "ultimate" independence have been driven by the rapid march of recent events to abandon the disguises under which they

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have hitherto hidden their real designs. Heedless of the assurance that American interest in them was purely altruistic, that the millions annually expended in holding them was solely for the disinterested purpose of preparing them to assume the responsibilities of an independent existence, and utterly indifferent to the solemn promises that at some indefinite period the Philippines would be given independence, certain promoters and representatives of American capital are now openly asserting that having purchased the islands for the sum of $20,000,000 the United States has obtained a fee simple and indefeasible title to them, and therefore should hold them in perpetuity for purposes of exploitation. Abandoning all semblance of consistency there are also those who, heretofore conceding that the Philippines were at some time to be given their independence, now gravely contend that there is no constitutional way by which it is possible that the alienation of the islands can be accomplished.

Although the commercial value of the Philippines to the United States is considerably greater than it was a few years since, owing to prevailing free trade conditions and the European war, it is, nevertheless, out of all proportion to the financial burdens which their retention imposes upon the American people as a whole. So that even considered from the standpoint of commercial gain, the exploitation of the Philippines is indefensible, since they are clearly a liability rather than an asset.

Whilst trade statistics are available, figures showing the annual disbursements from the United States Treasury on account of the military occupation of the Philippines are more difficult to obtain. Owing to the manner in which appropriations for the maintenance of the Military Establishment of the United States are made, and the methods of bookkeeping employed, it is not possible to state with accuracy just what the Philippines are costing the American people. President Taft stated in an official communication to Congress that this was an "insoluble problem." To segregate payments made out of lump appropriations for military purposes so as to show just what sums were actually expended in connection with the Philippines is a difficult, if not an impossible, undertaking. Admitting its possibility, there would still remain room for discussion as to whether certain items of expenditure should or should not properly be charged to the account of the Philippines. The items concerning which there can be no room for discussion constitute in the aggregate an annual expenditure much larger than the sum paid Spain for the islands.

It must by this time be apparent to all thoughtful people that the determination of the political status of the Philippines can not longer be wisely, if indeed safely, postponed. The war which is spreading death and ruin over Europe and large portions of Asia has brought the United States face to face with the vital question of preparedness against foreign aggression, and Congress is called upon to make adequate provision for the national defense. The popular demand for the strengthening of the military and naval arms of the Government is both loud and insistent, but before it can be wisely determined to what extent the Army shall be increased and the Navy enlarged it is absolutely essential that those charged with responsibility for the country's safety shall know whether the Philippines are to be given independence or be held as a colony to be fortified and defended. If they are to be included in any scheme of national defense which may be adopted the cost to the American people will

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be many millions greater than would otherwise be necessary. If, on the other hand, the policy shall be to retain control over them, but, in the event of foreign attack, not to attempt their defense but to abandon them to their fate, as has been suggested by military men, we shall risk inviting the scorn of the world and of standing humiliated in the presence of all mankind. The issue is clean cut, and there is no escaping it. If the Philippines are to be held indefinitely, the same protection must be extended to them as is afforded every other foot of United States territory. The difficulty, if not the impossibility, of successfully defending territory located in the Eastern Hemisphere, and separated from continental United States by the Pacific Ocean, must be apparent to the average intelligence, and yet holding and governing them against the consent of their inhabitants increases rather than lessens the obligation to defend them.

If the United Satets should unfortunately become involved in war with any first-class military and naval power, the Philippines would constitute our most vulnerable point of attack, and therefore it can not but be apparent that so long as they are held as an American colony they will prove a source of national weakness and a constant menace to our peace and happiness as a people. Is it possible that national considerations such as these shall not outweigh those of individual selfishness and corporate greed?

CLARKE AMENDMENT APPROVED IN PHILIPPINES.

The unfounded statement that the Filipinos do not desire the fixing of an early and definite date for their independence, and that there is considerable opposition to this bill on the part of substantial Filipinos is being widely disseminated in the United States. It is well known that organized effort is being made by some Americans resident in the Philippines to create such an impression, and that this effort is being materially aided and actively encouraged by certain business interests in this country, but the truth is that public sentiment throughout the archipelago is to-day, despite the activities of these political propagandists, stronger than ever before in favor of early independence. It is also true that the independence provisions of this bill are well understood in the Philippines; that the bill itself has not only been widely printed in both English and Spanish but that it has been translated into Tagalog, published in pamphlet form, broadly circulated, eagerly read and enthusiastically approved. When the Clarke amendment was pending before the Senate, namely, on January 25, 1916, the Philippine Assembly unanimously passed the following resolution approving its provisions:

Whereas the Clarke amendment to the Philippine bill now pending before the Senate of the United States specifies the conditions under which independence shall be granted to the people of the Philippine Islands, expedites the granting of that independence, and safeguards the internal and external affairs of the said islands pending the granting of said independence.

Whereas said amendment makes the independence provision of the preamble more clear, explicit, unequivocal, and expeditious, and fixes the responsibilities which the people of the United States and the people of the Philippine Islands shall respectively assume before and after the granting of said independence: Therefore,

Resolved, That the Philippine Assembly should recommend, as it does hereby respectfully recommend, the passage of said amendment by the Congress and the President of the United States.

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It has also received the unqualified approval of Gov. Gen. Harrison, as expressed in two cablegrams addressed to the chairman of the Insular Affairs Committee, and the speaker of the assembly has sent to Commissioner Quezon the following cablegram expressing the gratitude of his people over the action of this committee in favorably reporting the Senate bill:

CEBU, P. I., *March 3, 1916.*

QUEZON, *Washington:*

Please convey to Mr. Jones and members of the Committee on Insular Affairs the most sincere gratitude of the people of the Philippines for their action in favorably reporting the Senate bill. We hope that every effort will be made to secure the speedy enactment of this bill. The time has certainly arrived when the reiterated promise of the American people to grant the Philippines independence should be fulfilled.

OSMEÑA.

It has been recently published in various newspapers in this country, under conspicuous Manila date lines, that prominent Filipinos resident in the Visayan Islands desired that independence should be postponed for 20 years. The following copy of a cablegram from the city of Iloilo, sent by the president of the Progresista Party, is interesting in this connection:

ILOILO, P. I., *March 8, 1916.*

Congressman JONES, *Washington, D. C.:*

Meeting Iloilo people called by Progresista Party emphatically disapproves petition presented to Shuster by certain Filipinos favoring independence within 20 years. Progresistas supported by people of Iloilo request immediate approval Jones bill with Clarke amendment.

MONTINOLA, *President Progresistas.*

The passage of this bill will mark an epoch in American history. It will carry with it the gladsome assurance that the American Government will not sanction an imperialistic colonial policy such as would mean the abandonment of the principles upon which it was founded; it will furnish indubitable evidence that the American conscience has not been deadened by the lust of territorial aggrandizement; and it will establish in the hearts and minds of the Filipino people as nothing else could the solemn conviction that the American people steadfastly hold to the creed of the fathers of the Republic and still believe that liberty is the birthright of man and that governments derive their just powers from the consent of the governed.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 499, PART 2.

POLITICAL STATUS OF THE PHILIPPINE ISLANDS.

APRIL 12, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TOWNER, from the Committee on Insular Affairs, submitted the following

VIEWS OF THE MINORITY.

[To accompany S. 381.]

HOW WE ACQUIRED THE PHILIPPINES.

Early in the year 1898 the state of public feeling in the United States regarding the treatment by Spain of Cuba had become so intensified as to threaten the pacific relations existing between the United States and Spain. A long period of corrupt administration, plundering, and cruelty had culminated in such acts of barbarity and terrorism in the attempt by Spain to suppress the Cuban insurrection as to excite the indignation and sympathy of the American people. A crisis was produced on the morning of the 15th of February by news that the U. S. battleship *Maine*, while paying a visit of courtesy to the harbor of Habana, was wrecked by an explosion which destroyed the ship and killed most of her crew. Investigation followed, with the result that it was determined "the ship was destroyed by the explosion of a submarine mine."

April 18 Congress passed a resolution demanding that Spain at once relinquish its authority and government in Cuba and gave the President authority to enforce such demand. At the same time Congress declared that this country disclaimed any purpose to itself control the island "except for the pacification thereof," and asserted its determination to leave the government and control of the island to its people as soon as its pacification had been accomplished.

War ensued. On the 25th of April Commodore George Dewey, commanding the Asiatic Squadron, then located in Hongkong, received an order from the Secretary of the Navy as follows:

> War has commenced between the United States and Spain. Proceed to Philippine Islands. Commence operations at once, particularly against the Spanish fleet. You must capture vessels or destroy. Use utmost endeavors.

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On May 1 the country was thrilled by a message from Dewey saying he had destroyed the Spanish fleet in Manila Bay. It was a glorious victory; one of the great events of the world's history.

Later Dewey reported:

> I can take Manila at any moment. To retain possession and thus control Philippine Islands would require, in my judgment, a well-equipped force of 5,000 men.

Soon troops were sent, Manila was occupied, and Spanish authority in the islands destroyed forever.

August 12 a protocol was signed between the United States and Spain by which Spain relinquished her sovereignty in Cuba, ceded Porto Rico to the United States, and agreed that "the United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines."

The treaty of peace was signed at Paris December 10, 1898. It provided for the cession of the Philippine Islands to the United States. Special provisions for Spanish subjects and Spanish interests were made, and the United States agreed to pay Spain $20,000,000.

On October 28, 1898, Mr. Hay, then Secretary of State, cabled to the American commissioners then in Paris negotiating the treaty the views of President McKinley as to what should be done with the Philippine Islands. He said:

> It is imperative upon us that as victors we should be governed only by motives which will exalt our Nation. Territorial expansion should be our least concern; that we shall not shirk the moral obligations of our victory is the greatest.

After discussing the probable consequences of our withdrawal, he adds:

> Consequently, grave as are the responsibilities and unforeseen as are the difficulties which are before us, the President can see but one plain path of duty—the acceptance of the Archipelago. Greater difficulties and more serious complications—administrative and international—would follow any other course.

The position of the United States regarding the acquisition of the Philippines was that it was impossible for Spain to maintain her authority in the Philippines. It was equally impossible for the people of the United States to leave the people of the Philippines longer subject to the domination of Spain. To withdraw from the islands would have been to subject the people to the continuance of revolt, with the prospect of final subjugation and continued misrule. If the revolution against Spain should succeed and Spanish authority be overthrown the islands would become the scene of internal wars and soon become the spoil of some other nation. It was known that Spain was considering selling the Philippines. Early in November, while treaty negotiations were in progress, it was reported that Spain was to sell the islands to France. Spanish securities rose in the market on the strength of that report. It was known that Germany was very anxious to obtain Spain's possessions in the Pacific. After the treaty was signed with the United States, Spain sold to Germany her three remaining Pacific groups, the Carolinas, the Pelews, and the Ladrones, except Guam. So ardently did Germany desire the Philippines that when Dewey was in Manila Bay following his victory, von Diederich, the German admiral, assembled the entire German fleet of the Pacific in Manila Bay, where his insolent interference with Dewey almost led to an open rupture.

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There was no other course for the United States but to take over the islands and assume their government and control.

In the war with Spain every contest on land and sea was an American victory. In a short but glorious campaign the war ended in the complete success of the United States. No thought of conquest, no greed for spoils, no purpose of national aggrandizement tarnished the high purpose with which the United States reluctantly declared war on Spain. It was a war unsought and patiently resisted until the rising tide of sympathy and indignation became too strong to be repressed. The acquisition of any territory as a reason for entering upon the war was not entertained. On the contrary, it was expressly disclaimed. Porto Rico and the Philippines came to us not as spoils of war but as incidents of war. They could not be turned back to Spain, nor cast adrift, nor left to the rapacity of predatory nations. We took them in the prosecution of the war. We hold them because it is our duty to do so. In taking them we gave to ten millions of the human race "a new birth of freedom." But at the same time we took upon ourselves a new and a noble responsibility.

ACCOMPLISHMENTS.

To understand how that responsibility has been met the conditions at that time existing in the Philippines should be recalled. The archipelago consists of over 3,000 islands, situated in the southwestern Pacific. The total area is about 115,000 square miles. At the commencement of the American occupation the inhabitants of the islands numbered between seven and eight millions. The population consisted of many tribes scattered throughout the islands. In development these tribes ranged from the lowest savage to individuals of intelligence, culture, and refinement. There was no Philippine nation, there was no entity that could be known as the Philippine people, for there was no unity of thought, race, language, religion, development, physical or moral characteristics. Few of the people were educated at all. Eighty per cent were illiterate. There were but few schools. There was no participation by the people in their government. The Spaniard's want of sympathy with an inferior people and his egregious incapacity for government had made conditions in the islands lamentable in the extreme.

Such was the situation at the commencement of the American occupancy. To civilize and unify 8,000,000 of people such as before described was the gigantic task undertaken by the United States. How that task has been accomplished constitutes one of the most splendid chapters of American history.

We have established a civil government which has given the Filipinos their first experience in self-government. We have accomplished the complete pacification of the islands. We have established courts of justice both for the punishment of crime and the settlement of controversy. We have given the people of the Philippines a rule of law under which no person can be deprived of life, liberty, or property without due process of law.

We found the Philippines one of the plague spots of the world and have made it the most healthful of oriental or tropical countries. We have practically abolished smallpox, have almost prevented the recurrence of cholera, have about eliminated the bubonic plague, have

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isolated and prevented the spread of leprosy. The sources of malaria have been safeguarded. We have discovered the cause of beriberi and taken steps to prevent its recurrence, and have greatly reduced the fatalities from tuberculosis and other diseases. Sanitation, pure water, general hospital service—things almost unheard of before in the islands—have been introduced.

In these reforms and accomplishments, while most of it has been against the wishes of the great body of the people, it so commended itself because of its marvelous success that there is now general acceptance. Still it must be remembered that this has been accomplished in too brief a period to rest on a secure foundation. The habits and prejudices of centuries can not be eradicated in a decade. There are apparent now indications which show that with the withdrawal of American supervision and control much of what has been accomplished will be lost.

THE FUTURE OF THE ISLANDS.

From the first the question of the future of the Philippines has been pondered and discussed. Before the American occupancy the Filipinos had ambitions for independence. They had noted how the Spanish colonies had revolted, thrown off the Spanish yoke, and had achieved their independence. They knew of no reason why they could not do the same. Revolt had in fact become revolution before the American occupancy, and it is undoubtedly true that many Filipinos welcomed American occupancy as a step toward independence. It was known from the first that this ambition was entertained by many Filipinos, and with that ambition many Americans fully sympathized. But it was also recognized that independence was a condition for which a nation must be fitted if it is either to be maintained or to prove a blessing. It is dependent on capacity and preparation for self-government. No one has better stated this than Mr. Woodrow Wilson, now President of the United States. In one of his ablest essays he said:

> Self-government is not a mere form of institutions, to be had when desired, if only proper pains be taken. It is a form of character. It follows upon the long discipline which gives a people self-possession, self-mastery, * * * and these things can not be had without long discipline. * * * We can give the Filipinos constitutional government, a government which they can count upon to be just, a government based upon some clear and equitable understanding, intended for their good and not for our aggrandizement, but we must ourselves, for the present, supply that government. * * * But we can not give them self-government. Self-government is not a thing that can be "given" to any people, because it is a form of character and not a form of constitution. No people can be "given" the self-control of maturity. Only a long apprenticeship of obedience can secure them the precious possession, a thing no more to be bought than given. * * * We, of all people in the world, should know these fundamental things, and should act upon them. * * * To ignore them would be not only to fail, and fail miserably, but to fail ridiculously. Having ourselves gained self-government by a definite process which can have no substitute, let us put the people dependent upon us in the right way to gain it also.

It was therefore wisely determined that our present duty in any event, whether they remained under the protection of the United States or were granted their independence, was to educate them, advance them, and thus to fit them for self-government, either as a great self-governing commonwealth such as Canada and Australia, or for entire separation. It is the duty of the United States, in pursu-

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ance of that policy, to give to them from time to time the largest measure of self-government which they are capable of exercising safely regardless of what may be their ultimate destiny. It is certainly true that when the people of the Philippines become prepared for self-government and capable of defending themselves and maintaining their position as an independent nation, and if at that time they desire their independence, the United States could not and would not refuse to grant it. There are many who believe that when that time arrives the Philippines will prefer to retain their relation with the United States rather than sever it, just as Canada and Australia prefer to retain their places as part of the greater nation, although they could have their independence at any time by asking for it.

There is great divergence of opinion as to when it would be safe to consider the question of independence. A few years ago Ex-President Roosevelt said:

> I trust that within a generation the time will arrive when the Philippines can decide for themselves whether it is well for them to become independent or to continue under the protection of a strong and disinterested power, able to guarantee to the islands order at home and protection from foreign invasion. But no one can prophesy the exact date when it will be wise to consider independence as a fixed and definite policy.

Ex-President Taft has given it as his opinion that it will be two generations before a controlling proportion of the population will be prepared to decide for themselves what their political status shall be. As he well says, preparation does not mean the "organization of a Philippine oligarchy or aristocracy competent to administer government and then turn the government over to it." The capacity of the great body of the people must be considered if we expect to establish a "government of the people."

The minority do not believe it necessary or wise to enumerate defects and point out the weaknesses which at this time exist to demonstrate that the great body of the Philippine people are not now fitted for self-government. He must be a credulous person who believes that within 16 years a collection of tribes, inhabiting separate islands, speaking different tongues, adherents of different religions, ranging in enlightenment from the lowest savagery to the highest civilization, can be welded into a homogeneous people capable of establishing and maintaining themselves among the nations of the world. Such a thing never has been done. It never can be done.

Great progress, unparalleled progress has been made. Of that both Americans and Filipinos have a right to be proud. It is a reason why we should now grant a larger measure of self-government to the Philippines, and why we should continue such grants until absolute self-government is secured. In the future the question of independence may properly be considered.

LEGISLATION.

The organic act under which the Philippine Islands are now governed was enacted by Congress in 1902. Some amendments have since been passed, but there has been no reconstruction of this fundamental legislation since that time. It has been for a long time generally agreed that a new constitution of government should be given the

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islands. Various bills have been reported, but none of them has become a law.

In the Sixty-second Congress, which was controlled by the Democratic Party, a bill was introduced by Mr. Jones, then as now chairman of the Committee on Insular Affairs. By its terms a provisional republic was organized, under the protection and partial control of the United States. It was further provided that "on and after the 4th day of July, 1921, the full and complete independence of the Philippines shall be, and is hereby, acknowledged." This bill was favorably reported by the committee and placed on the calendar of the House. Opposition to it developed in the party and it was not pressed for passage. Subsequently referring to this bill on the floor of the House Mr. Jones said:

> There are gentlemen of my own party who think that it is not best to fix a definite date for independence, and their opinions have weight with me, and I bow, and I bow gracefully, to the dictates of my party upon this subject as expressed in the national Democratic platform adopted at Baltimore.

The second Jones bill which was thus drafted to conform to the Baltimore platform was introduced and passed by the House in the Sixty-third Congress. It consisted of a bill granting to the Filipinos a larger measure of self-government, and a preamble which declared "the purpose of the people of the United States as to the future political status of the people of the Philippine Islands." It declared that purpose to be "to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein."

That this bill was drawn in harmony with the Baltimore platform must be conceded. The bill provided that the United States would acknowledge the independence of the Filipinos "as soon as a stable government can be established." The platform declared, "We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established."

The provision of the bill was in exact conformity in that regard to the party platform. The bill failed of consideration by the Senate.

Practically the same bill was introduced in the House by Mr. Jones at the commencement of this session. It was favorably considered by the committee, but was not reported for reasons that will hereafter be stated.

The chairman of the Committee on the Philippines in the Senate (Mr. Hitchcock), on December 7, 1915, introduced in the Senate a bill alike in substance with the Jones bill. As it was reported from the committee, however, it had a different preamble, which declared the purpose of the United States to be that complete independence should be granted "when in the judgment of the United States it will be to the permanent interest of the people of the Philippine Islands."

After debate in the Senate had proceeded several days, the Senator from Arkansas (Mr. Clarke) introduced an amendment directing the President to withdraw our authority and control of the Philippines and to recognize their independence not less than two years and not more than four years from the approval of the act. This amendment was adopted, the preamble was withdrawn, and the bill passed the Senate with this amendment.

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This action was as unforeseen as it was astonishing. The Senator who introduced the amendment was not even a member of the committee. He said in explaining his act:

> I had no particular reason in introducing this amendment except that no one else would do it. * * * Either I or some one else had to do it. I am getting as much salary as anybody else, and doing about as little, and I did not know but that I had better get busy right along that line.

The Senate bill was further amended by prohibiting the manufacture, sale, or importation for sale of intoxicating liquor, except native wines and beverages.

No hearings on either the Clarke or the prohibitory amendment were had in the Senate, and no hearings were allowed by the House committee, although requested by the minority. The Senate bill, with these and other amendments, was substituted for the Jones bill, and is now reported favorably by the majority.

CHANGE OF POLICY.

This remarkable change of policy on the part of the majority in Senate and House is worthy of consideration. Originally the chairman of the committee, Mr. Jones, was in favor of a definite date for abandonment, but two years ago he was compelled to give up that idea. He did so reluctantly, but he was forced "gracefully," as he said, to bow to the "dictates of my party." He drew up a new bill, as he expressed it, to conform to the "national Democratic platform adopted at Baltimore." This was certainly good politics. It might be a source of speculation as to what was the pressure and who were the persons who compelled him to bow to the "dictates of my party," but it was good politics in any event. Now, however, Mr. Jones is again compelled to "bow gracefully" to the dictates of some one and again reverse himself. This time it would appear not to conform to the Baltimore platform, but is distinctly antagonistic to it. Again, the wonder is, who is responsible for this reversal of policy. Certainly not the President. He said that it would not be fitting he should veto the Senate bill with the Clarke amendment before its passage, but he declared:

> It is my judgment that the action embodied in the Clarke amendment to the bill extending further self-government to the Philippines is unwise at this time.

The then Secretary of War, Mr. Garrison, was not responsible, for he said of the Clarke amendment:

> I consider the principle embodied in the Clarke amendment an abandonment of the duty of this Nation and a breach of trust toward the Filipinos. So believing, I can not accept it or acquiesce in its acceptance.

It was one of the two grounds upon which he based his resignation.

It could not have been done on the suggestion of the chairman of the Senate Committee on the Philippines, because he openly opposed the adoption of the Clarke amendment in the Senate.

It could not have been done upon the advice of Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs, who is known to be opposed to the Clarke amendment. Gen. McIntyre was sent to the Philippines last summer to make a special study of existing conditions. His report was laid before Congress, as the President said in transmitting it, "Inasmuch as the bill extending a greater measure

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of self-government to the Filipinos is now before Congress." In that report Gen. McIntyre says there are three principal political parties in the Philippines, and "at present all of these parties favor, with certain modifications, the Jones bill, as it is known." He further says:

> While I have given above the public views of the political parties of the islands, I am convinced that no serious part of the Filipino people desires separation at this time, and that the serious people of the islands are wholly without belief that they can foresee clearly the day they would desire this separation.

This matured and unbiased statement as to the desires of the Filipino people is confirmed in many ways. The news of the passage of the Senate bill with the Clarke amendment was received in the Philippines with consternation rather than exultation.

It should be remembered that the Democratic platform of 1900, along with the promise of independence, declared that the United States would also give the Philippines "protection from outside interference." The platform of 1904 promised "suitable guaranties of protection." The platform of 1908 declared for independence "such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers." The platform of 1912 repeated in terms the declaration of 1908.

Through all these years the Democratic Party has not only promised independence to the Philippines but has also agreed to protect them and to guarantee their security from outside interference. Under the provisions of the Senate bill with the Clarke amendment they are to be cast adrift upon the troubled waters of international strife without promise of protection or guaranty of security. Naturally they are troubled. They look with apprehension to the time, so soon to arrive if this bill passes, when they will be cast helpless, without army or navy, without arms or ammunition, without money or credit, to become the easy prey of the first predatory nation that lands a fleet upon their shores.

In an article entitled "Facing the country's peril," La Democracia, a leading journal published in the Philippines, calls for a union of all the parties "to petition the United States to provide the most adequate means to safeguard our national life." Again, it said:

> The cloud of dangers that will inevitably darken the horizon looms threateningly if we shut our eyes to the future in its economic aspect. Let us confine ourselves entirely to the study of the difficulties surrounding our own domestic affairs that will arise here during the four years. The debt of millions and millions represented by the railroad and which will go on increasing in the course of years, besides the inevitable and overwhelming decrease in internal revenues incident to the Gronna amendment; the enforced withdrawal of the troops—a most lucrative revenue that will be cut off—the general depression in the value of everything that the country has and produces, etc., all will constitute at the end of the four years mentioned in the act a mountain of difficulties which will prevent the peaceful enjoyment of the boon of liberty.

An account of a caucus of the majority members of the Philippine Legislature for the consideration of an independence clause without condition or guaranty of any kind, states:

> It is to be remembered that this question involves the integrity of our territory, and for this the sanction of those who represent the Philippine country is asked. It is not believed that they will allow themselves to be carried away with childish enthusiasm just to see themselves in possession of independence of some sort.

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Still more significant are the declarations of the Democratic Party of the Philippines, which assumes to be the branch in the Philippines of the dominant party here. Assembled in convention for the purpose of selecting delegates to the forthcoming national Democratic convention they resolved, among other things, as follows:

The Baltimore platform contains this declaration:

"We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers. In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases."

We reaffirm our adherence to this Democratic doctrine, and accordingly indorse the Philippine bill as reported by the Philippine Committee of the United States Senate. As a consequence of our faith in and adherence to this solemn declaration by our party, we denounce and repudiate as un-American, un-Democratic, and cruelly unjust to the Filipino people any policy which would cast this people adrift on the dangerous seas of international politics without adequate financial resources and with no protection or guaranty of their national integrity. The Filipinos have trusted in our honor and relied on our good faith. The United States by abandoning the islands would dishonor itself and justly forfeit the respect of the nations of the earth, and of the people who look to us for protection and for whose safety we have assumed responsibility. We brand as unworthy of the American name a policy involving the abandonment of a sacred trust for reasons alleged to be concerned with our own greater security. If giving protection to all the inhabitants of the Philippines until such time as our obligations shall have been honorably fulfilled constitutes a menace to our national safety, which we do not concede, better, we say, war, and even defeat, than dishonor. If the United States after so many years of independent life finds itself insufficiently prepared for national defense what would be the fate of the Philippines without army, navy, or financial resources unless guaranteed protection until their national integrity be assured?

"SOLEMN PROMISES."

The majority report makes frequent reference to "solemn promises" that have been made to give the Philippines their independence. With great discretion the persons who made the "solemn promises" are not named. Almost anyone may give a solemn promise. The treaty with Spain provided that the "civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by Congress." No individual and no other power than Congress has or had any authority to give any promise to the people of the islands. However, Congress has made certain "solemn promises" to the people of the Philippines. In the organic act it gave them the right of habeas corpus; of immunity from deprivation of life or liberty without due process of law, and the taking of property without just compensation; of immunity from slavery and religious persecution; of immunity from imprisonment for debt, from ex post facto laws, and from bills of attainder. It gave them freedom of speech and of the press, secured them against unreasonable searches and seizures and against being twice put in jeopardy for the same offense.

These were some things solemnly promised. It would be pertinent to inquire how these promises are to be fulfilled after our withdrawal under the terms of this bill. The adoption of the Clarke amendment will mean an absolute abandonment and repudiation of all these promises.

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There was no party promise ever made by the Democratic Party which would be fulfilled by the Clarke amendment. The party promise was to protect and sustain the Filipinos until they had established a stable form of government, and then not to cast them adrift without a guarantee of their independence until a treaty of neutralization could be secured.

The Republican Party never made any promise to give them independence. It deferred consideration of that question until it became practical, until they were fitted for self-government and strong enough to maintain their integrity as a nation. There has never been any party which has ever considered, much less approved such a proposition as that contained in the Clarke amendment.

It appears the subject has become distasteful to certain gentlemen and they do not propose longer to be bothered with it. Therefore, as the Queen said in Alice in Wonderland, "Off with their heads!" Away with the Philippines; we will get rid of them and end all bother! No provision is made and no promise given to protect the islands from foreign aggression. No guaranty is made that will protect the people from the imposition of a monarchy or any other form of oppression or injustice. They must look out for themselves.

PHILIPPINE BONDS.

Under the provisions of the Clarke amendment no protection is given the holders of four issues of Philippine bonds which were sold by the United States to investors in this country to provide money with which to carry out certain public enterprises inaugurated by the United States for the benefit of the people of the Philippine Islands.

These bonds were issued and sold under authority granted by acts of Congress.

These acts provided for the issue of bonds to purchase the Friar lands for the use of the Filipinos, for public improvements, and for certain municipal bonds. They were advertised and sold by the Bureau of Insular Affairs under the direction of the Secretary of War. The amounts issued and sold were as follows:

Land-purchase bonds	$7,000,000
Public-improvement bonds	5,000,000
Manila sewer and water bonds	4,000,000
Cebu sewer, water, and public-school bonds	125,000
Total	16,125,000

The average price received by the United States for these bonds was $106.71, or $1,083,275 in excess of their face value.

The various acts which authorized the issue of these bonds provided for a sinking fund to retire them at their maturity. The amount accumulated in this fund December 31, 1914, was $3,444,023.57.

In order to sell the bonds the Bureau of Insular Affairs secured the opinion of the Attorney General, which opinion was used as an inducement to American purchasers to invest in the bonds. In that statement the Attorney General said the bonds were issued "upon authority explicitly conferred by the national power," and "the entire transaction is to be negotiated under the auspices of the United States and by its recognized aid."

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In the circular issued to induce investments the bureau stated the bonds would be accepted by the Secretary of the Treasury as security for deposits of public money, and for other like purposes. They are now held by the Treasury Department for such purposes and as security for postal savings deposits.

Under the express terms of the acts of Congress authorizing the issues the bonds were exempted from taxation by the Government of the United States, by the government of the Philippines, or by any State or municipality.

These bonds were thus made morally and substantially, if not legally, the obligations of the United States. But this obligation, or at least responsibility, is repudiated by the proposed enactment of the Clarke amendment.

Besides the bonds above issued and for which the United States is directly responsible there are other outstanding obligations in the payment of which the United States is interested. The Philippine Railway bonds, amounting to $8,551,000, were sold to and are held by citizens of the United States. The railway was built under authority of an act of Congress and with the approval of the Secretary of War. Subscriptions for these bonds were received by the Bureau of Insular Affairs. Other bonds issued by provinces and municipalities have also been sold in the United States.

The sinking fund providing for the payment of the bonds first referred to is controlled by the treasurer of the Philippine government. It is invested in the protected bonds themselves, in the bonds of the Philippine Railway, and in loans to Provinces and municipalities. It is apparent that its condition is such as to be valueless unless continued under American control.

Under the provisions of the Clarke amendment the President is given power to settle and adjust all property rights between the United States and the Philippines. But this is not such a relation. If within the scope of the President's power, it is difficult to see how the n att r could be adjusted by him. To accept and rely on any promise or guaranty made by the Philippine government, which would be worse than bankrupt, would be to render the bonds worthless. The circumstance is but an incident showing how reckless and inconsiderate the proposition is and in what a maze of difficulties and embarrassments it would involve us if adopted.

It is also difficult to see how the President can help Americans now resident in the islands. These men have gone there, built homes, embarked in business, and purchased property. It is very probable that following the American withdrawal disorder, even revolutions and general chaos, will ensue. It seems that many Filipinos, and some Americans, believe that independence is the one thing necessary to bring tranquillity, prosperity, and a general condition of universal happiness. The lesson of Mexico is instructive. It is independent, but the conflicting ambitions of irresponsible men make it a place where no man's life is safe. If we "Mexicanize" the Philippines, what will become of the property and lives of the Americans there? The President, with the best intentions, has not been very successful in securing the lives and property of Americans in Mexico. Is it probable he will be more successful in the Philippines?

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REASONS FOR ACTION.

Two reasons are given in the majority report for this strange action, this abandonment of principle, this refusal to perform an apparent duty.

The first is the cost. The Philippines don't pay; therefore why longer keep them? If we had purchased them as an investment we might consider that question. But in that view we should endeavor to sell them for as much as they have cost us to any nation which would buy. But we do not even try to make the best bargain possible; we throw them away to be picked up by the first comer. Of course such a view is absurd. We did not obtain them with a view to profit.

In the instructions given by President McKinley to the Philippine Commission in 1900 is expressed the policy and purpose of the United States regarding the acquisition and government of the Philippines. In that statesmanlike and noble pronouncement he said:

> The commission should bear in mind that the government which they are establishing is designed not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the Philippine Islands.

Again he said:

> The Philippines are not ours to exploit, but to develop, to civilize, to educate, to train in the science of self-government.

That was the primary purpose of the American occupancy, not gain, not profit, not exploitation, but help, counsel, and encouragement in securing continued progress and an ultimate place among the civilized peoples of the world.

But it is proper in this connection to call attention to the fact that the development of the islands thus far has been principally paid for by the people of the Philippines, and not by the United States. Their government is maintained by themselves. They have cheerfully borne a large burden of taxation, and have made great sacrifices to secure for themselves the roads, schools, and other public works which have been built in such a short time.

The expense of maintaining American forces in the Philippines is confined to the difference in the cost of maintaining our soldiers there and at home.

On the other hand our trade with the Philippines has increased marvelously during our occupancy. We sold them of our products before we went there about $150,000 annually. Last year we sold them to the value of over $28,500,000. It is doubtful, if a balance were struck, if it would be found that the Philippines are a financial burden to the United States. Our trade with the Philippines is certain to grow to large proportions if our relations are continued. That this would be to our mutual benefit must be apparent. We need their hemp for binding twine. We need their sugar, tobacco, copra, fruits, and mahogany. The demand for tropical products which we can not produce is continually increasing. It will be to our best interests to have them produced under our own flag. The Philippines are at present the richest undeveloped country of equal area in the world. Economically they are an asset and not a liability.

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MILITARY WEAKNESS.

But it is urged in the majority report that the Philippines are a source of military weakness, and that we ought to abandon them as a part of our plan of "preparedness." The argument advanced is that if the United States has any possession anywhere outside our continental boundaries, they should be abandoned if difficult to defend.

If we abandon our possessions because they are subject to attack by an enemy in war, we should not limit our "scuttle" policy to the Philippines. We should abandon Guam, for it is defenseless. We should abandon the Samoan Group, they have not been fortified. We should abandon the Hawaiian Archipelago. It will cost more to fortify and protect than the Philippines. We should abandon Porto Rico. It is defenseless. We should abandon the Canal Zone and the Panama Canal itself. It will be exceedingly difficult to fortify and protect, it will cost a large sum to retain, and is more the object of desire by foreign nations than is the Philippine Archipelago. Indeed, we should abandon Alaska. It is as isolated as an island. It has thousands of miles of undefended seacoast, with cities and harbors defenseless. It would be a rich prize for any nation with interests in the Pacific because of its stores of coal, timber, and gold.

The majority report declares the Philippines could not be successfully defended. In the event of foreign attack if we should abandon the islands to their fate, the report declares, we would invite "the scorn of the world and of standing humiliated in the presence of all mankind." In order to escape that dreadful fate the report advises us to run in advance, to say to all foreign nations: "If you want the Philippines, here they are, take them. We will not fight for them. We could not do much if we tried to fight. Besides we are 'too proud to fight,' anyway." That, according to the majority report, would be dignified, it would be manly, it would save us from "the scorn of the world," and from "standing humiliated in the presence of mankind."

If that is the temper of the American people, the minority confess they do not understand it. If American rights are to be sacrificed everywhere or anywhere because we are afraid to assert them, we should give up claiming to be a Nation. If counsels of fear are to become the permanent policy of our country, we should blot out the heroic history of our past, and forget the sacrifices of those who have made us a Nation.

If such a proposition should be thought worthy of consideration, it may be suggested that the Philippines can be made a source of military strength rather than weakness. They have a population of 9,000,000. An army of 200,000 men could easily be enlisted from among their own people and trained for their own defense. The work of the Philippine Scouts and Constabulary has demonstrated their capacity and value as soldiers. An army should be trained whether the islands are to continue their relations with the United States, or become independent. Their greatest element of weakness in either event is that they have no adequate means to protect themselves.

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CONCLUSIONS.

The minority entirely agree with the majority that the Philippines should be given a new fundamental law granting to the people a larger measure of self-government. The minority would gladly support the passage of the Jones bill without the preamble. They would even support the Jones bill with the preamble as a substitute for the Senate bill with the Clarke amendment. But they are united in opposition to the Clarke amendment. The minority believe the Jones bill as reported to the House is a much more consistent and more carefully framed piece of legislation than the Senate bill. But either the House bill or the Senate bill is absurd with the Clarke amendment. To provide for and institute an entirely new form of government which may be abandoned in two years, and must be thrown aside within four years, is indefensible from any standpoint. If the "scuttle" policy is to prevail it would be much better to pass the Clarke amendment alone, and let the Philippine people prepare under their present government for their independent republic, or whatever they may decide they will try first.

The minority would have been glad to cooperate with the majority in supporting a bill on which all could have agreed. But being unable to support the Clarke amendment under any circumstances, they are compelled to forego that privilege. In this "dissenting opinion" they feel that it is fitting they should express the appreciation of the uniform courtesy during the deliberations of the committee manifested by the chairman, Mr. Jones. The minority are glad to express their profound respect and affectionate regard toward this Nestor of the House, whose record of continuous service is longest in point of time among the entire membership of that body. It may not be improper to express the hope that his party associates in the House may substitute his bill for the Senate bill, so that its passage may be the crowning act of a long, an honorable, and a distinguished career of public service.

H. M. TOWNER.
CLARENCE B. MILLER.
S. D. FESS.
GEORGE M. YOUNG.
JOHN A. PETERS.
CHARLES E. FULLER.
R. W. AUSTIN.
C. N. MCARTHUR.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 500.

GAME PRESERVE IN THE STATE OF KANSAS.

APRIL 7, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCCLINTIC, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 1793.]

The Committee on the Public Lands, to which was referred the bill (S. 1793) granting to the State of Kansas certain lands in said State for use as a game preserve, having had the same under consideration, beg leave to report it back to the House with the following amendments:

In line 4, strike out the word "grant" and insert the words "issue patent."

In line 9 strike out the words "hereby granted."

In line 12, strike out the words "declared by the Secretary of the Interior" and insert in lieu thereof the following: "specified in said patent."

As thus amended the committee recommend that the bill be passed.

The bill was referred to the Interior Department, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: In response to your request therefor, I have the honor to submit the following report on S. 1793, a bill "Granting to the State of Kansas title to certain lands in said State for use as a game preserve."

The area described in the bill is near the town of Garden City, Kans., being from three-quarters of a mile to about 5 miles distant therefrom. The sections named are shown by the records of the General Land Office to be public, with the exception of a strip of 21.12 acres along the west boundary of sec. 35, T. 24 S., R. 33 W., 2.64 chains wide and 80 chains long, and the E. ½ of E. ½ sec. 1, T. 25 S., R. 33 W., which are within approved selections of the Atchison, Topeka & Santa Fe Railroad Co., not included in the reconveyance to the United States of the remainder of said sections under an exchange authorized by the act of February 28, 1911 (36 Stat., 960). The area of public land in the sections mentioned in the bill is 3,022.40 acres.

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Such sections were excluded from the Kansas National Forest on December 1, when the reservation was abolished under the President's proclamation of October 14, 1915. The Secretary of Agriculture, when recommending such action, informed me that the Forest Service had maintained a forest nursery, equipped with buildings, tank, fencing, etc., on sec. 26, T. 24 S., R. 33 W. He also stated that there are antelope in that vicinity, and that he was advised of contemplated legislation to grant said section and improvements, with the other sections named in the bill, to the State of Kansas for a game preserve, and recommended that such sections be not restored to the public domain with the rest of the public land in the reservation, but withdrawn by the terms of the proclamation abolishing the national forest.

As there appeared to be no objection to withdrawal of the public lands in such sections for the desired purpose, I concurred in the recommendation of the Secretary of Agriculture, and by a provision in said proclamation of October 14, the public lands in secs. 25, 26, and 35 of T. 24 S., R. 33 W., and secs. 1 and 2 of T. 25 S., R. 33 W., were withdrawn under authority of the act of June 25, 1910 (36 Stat., 847), as amended, for classification and pending consideration by Congress of proposed legislation to set such lands apart as a game refuge.

Since, as hereinbefore stated, the title to a portion of the area described in the bill is not in the United States, I would suggest that the words "the public lands in" be inserted after "Kansas" in line 4 of the bill, or that the areas in adverse ownership herein described be omitted. I would also suggest that the words "use or" be inserted after "time" in line 8, and, in order that the question of reversion may be determined by this department and not the courts, that the words "such reversion to be declared by the Secretary of the Interior" be added after "States," the last word in the bill.

Very truly, yours,

FRANKLIN K. LANE.

The bill was also referred to the Department of Agriculture, and the Secretary thereof in his reply to the committee used the following language:

The bill provides for granting to the State of Kansas five sections of land for a game preserve in the northeastern corner of the Kansas National Forest in Finney County near Garden City. On December 21, 1915, the Secretary of the Interior was advised that the lands within the Kansas National Forest were no longer needed for national forest purposes and was requested, after a conference between the Commissioner of the General Land Office and the forester, to have a proclamation drafted to open the area to entry with the exception of certain sections which the State of Kansas had proposed to be set apart as a game preserve. These areas as described in Senate bill 1793 are now withdrawn under the act of June 25, 1910, pending action by Congress.

The purpose of this game preserve is to provide permanently for the preservation of a small herd of antelope which has been protected for several years on the Kansas National Forest and which is certain to become exterminated in the near future when the lands in the forest are opened to settlement unless provision is made for its protection. From every point of view the project seems to be desirable. The antelope, which is now in greater danger of extermination than any other species of big game native to the United States, is rapidly disappearing with the settlement of arid lands in the West, and it is very important that some provision be made for preserving this species. A small herd of antelope already exists on the Kansas National Forest and if it can be rounded up and placed in an inclosure safe from coyotes and other predatory animals it can probably be preserved indefinitely.

The State of Kansas through its system of hunting licenses has recently provided a game protection fund and a regular income for the preservation of game. By means of this fund it has established one of the largest fish hatcheries in the United States and is doubtless in a position to maintain a game preserve, but at present has no lands suitable for such purpose. The present bill if enacted into law will provide not only the land necessary for such a preserve, but the nucleus of a herd of antelope.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 502.

EXTENSION ROCKY MOUNTAIN NATIONAL PARK, COLO.

APRIL 7, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TIMBERLAKE, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 10124.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 10124) adding certain lands to the Rocky Mountain National Park, having had the same under consideration, respectfully recommend that the bill be amended as follows:

Amend the title by transposing the words "certain lands" so the title will read "To add certain lands to the Rocky Mountain National Park, Colorado."

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

That the eastern boundary line of the Rocky Mountain National Park between the section corner common to sections two and three, township three north and sections thirty-four and thirty-five, township four north, range seventy-three west, and the township corner common to townships five and six north, ranges seventy-two and seventy-three west, is hereby changed so as to read as follows:

Beginning at a point on the present eastern boundary line of the Rocky Mountain National Park, Colorado, which is the northwest corner of section two and the northeast corner of section three, township three north, range seventy-three, west of the sixth principal meridian, Colorado, running thence east along the township line to its intersection with the main hydrographic divide east of Cow Creek, between section thirty-one, township four north, and section six, township three north, range seventy-three west; thence northwesterly following along said hydrographic divide, passing over Twin Sisters, The Crags, passing west of Lily Lake, and continuing along said hydrographic divide, now between Aspen Brook and Fish Creek and passing over Lily Mountain and Giantrack Mountain to a point which is the southeast corner of section thirty-four and the southwest corner of section thirty-five, township five north, range seventy-three west; thence north along the section lines between sections thirty-four and thirty-five, twenty-six and twenty-seven, twenty-two and twenty-three, fourteen and fifteen, to the quarter corner common to sections fourteen and fifteen, all in township five north, range seventy-three west; thence east along quarter-section line, through sections fourteen and thirteen,

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township five north, range seventy-three west, and along the continuation of said quarter-section line, through section eighteen to the quarter corner common to sections eighteen and seventeen, township five north, range seventy-two west; thence north along the section line between sections eighteen and seventeen, seven and eight, five and six, all in township five north, range seventy-two west, to that point which is the northeast corner of section six and the northwest corner of section five in said township and range; thence west along the township line to the township corner common to townships five and six north, ranges seventy-two and seventy-three west, which is on the present eastern boundary line of the Rocky Mountain National Park, Colorado.

And the lands lying between the present existing eastern boundary and the eastern boundary as changed by this act between said section-corner common to sections two and three, township three north and sections thirty-four and thirty-five, township four north, range seventy-three west, and said township-corner common to townships five and six north, ranges seventy-two and seventy-three west, are hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and said tracts are hereby made a part of and included in the Rocky Mountain National Park, and all the provisions of the act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January twenty-sixth, nineteen hundred and fifteen, are hereby made applicable to and extended over the lands hereby added to the park.

And that as so amended the bill do pass.

The committee submitted this bill to the Department of the Interior, and the Acting Secretary thereof has made the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, March 29, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have your letter of February 1 inclosing with request for report thereon H. R. 10124, proposing to add certain lands to the Rocky Mountain National Park in Colorado.

The areas proposed by the bill to be added to the park have an approximate area of 10,842 acres, of which 206.11 acres are patented and 481.05 are embraced in pending entries. Of the total acreage proposed to be added to the park 2,851 acres are within the Colorado National Forest. There is herewith inclosed a map of the Rocky Mountain National Park, showing the boundaries of the park as provided in the bill and also showing the lands in private ownership and in pending entries which the bill would include in the park. The area of the lands affected by these private claims is comparatively negligible, and in the interest of better administration of the park I suggest that they be eliminated from the bill. I also suggest that the S. ½ SW. ¼ sec. 24, and N. ½ NW. ¼ sec. 25, T. 4 N., R. 73 W., which is unentered public land and comprises the highest point of the Twin Sisters, be included in the land to be added to the park.

As will be seen by reference to the attached map, a large portion of the lands proposed to be added to the park is in detached tracts. However, their natural formation, scenic beauty, and ready accessibility from Estes Park, the gateway to the Rocky Mountain National Park, and also the fact that these lands if included in the park will be afforded fire protection, make them particularly desirable as an addition to the park.

The substitution of the following description for that in H. R. 10124, beginning on line 3, of page 1, and ending with the word "eighteen" on line 16, page 4, will make effective the above suggestions, and I recommend that this be done:

"That the eastern boundary line of the Rocky Mountain National Park between the section corner common to sections two and three, township three north, and sections thirty-four and thirty-five, township four north, range seventy-three west, and the township corner common to townships five and six north, ranges seventy-two and seventy-three west, is hereby changed so as to read as follows:

Beginning at a point on the present eastern boundary line of the Rocky Mountain National Park, Colorado, which is the northwest corner of section

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two and the northeast corner of section three, township three north, range seventy-three west, of the sixth principal meridian, Colorado, running thence east along the township line to its intersection with the main hydrographic divide east of Cow Creek, between section thirty-one, township four north, and section six, township three north, range seventy-three west; thence northwesterly following along said hydrographic divide, passing over Twin Sisters, The Crags, passing west of Lily Lake, and continuing along said hydrographic divide, now between Aspen Brook and Fish Creek and passing over Lily Mountain and Gianttrack Mountain to a point which is the southeast corner of section thirty-four and the southwest corner of section thirty-five, township five north, range seventy-three west; thence north along the section lines between sections thirty-four and thirty-five, twenty-six and twenty-seven, twenty-two and twenty-three, fourteen and fifteen, to the quarter corner common to sections fourteen and fifteen, all in township five north, range seventy-three west; thence east along quarter-section line, through sections fourteen and thirteen, township five north, range seventy-three west, and along the continuation of said quarter-section line through section eighteen to the quarter corner common to sections eighteen and seventeen, township five north, range seventy-two west; thence north along the section line between sections eighteen and seventeen, seven and eight, five and six, all in township five north, range seventy-two west, to that point which is the northeast corner of section six and the northwest corner of section five in said township and range; thence west along the township line to the township corner common to townships five and six north, ranges seventy-two and seventy-three west, which is on the present eastern boundary line of the Rocky Mountain National Park, Colorado.

And the lands lying between the present existing eastern boundary and the eastern boundary as changed by this act between said section corner common to sections two and three, township three north, and sections thirty-four and thirty-five, township four north, range seventy-three west, and said township corner common to townships five and six north, ranges seventy-two and seventy-three west, are hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and said tracts are hereby made a part of and included in the Rocky Mountain National Park, and all the provisions of the act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, approved January twenty-sixth, nineteen hundred and fifteen, are hereby made applicable to and extended over the lands hereby added to the park.

In view of the fact that part of the land affected by the bill is now within the Colorado National Forest it is suggested that it would be appropriate to obtain a report upon the bill from the Secretary of Agriculture.

Cordially, yours,

ANDRIEUS A. JONES, *Acting Secretary.*

The committee submitted this bill to the Department of Agriculture, and the Secretary thereof has made the following report thereon:

DEPARTMENT OF AGRICULTURE,
Washington, March 28, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

DEAR MR. FERRIS: Reference is made to your request for a report upon the bill H. R. 10124, "To add to the Rocky Mountain National Park, Colorado, certain lands," with the request that your committee be sent such suggestions as this department may see fit to offer. The bill proposes that certain lands adjacent to the Rocky Mountain National Park be added to the park. Of the lands described the following are within the boundaries of the Colorado National Forest:

In T. 5 N., R. 72 W., secs. 7 and 18.
In T. 5 N., R. 73 W., secs. 10, 11, 12, 13, and 14.
In T. 5 N., R. 74 W., secs. 11, 12, 13, and 14.

At the time the national park was established the boundaries were drawn to include a considerable part of the national forest. The areas above mentioned, however, were not taken in at that time and now form isolated parts of the

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national forest. The two tracts are tributary to the national park areas rather than to the Colorado National Forest. They could, therefore, be better handled by the national park authorities together with the other national park lands. For this reason the Department of Agriculture has no objection to the passage of the bill.

Since the other areas are a part of the public domain outside of national forest boundaries and are administered by the Secretary of the Interior, it is assumed that you will obtain his views.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

The bill was introduced in response to representations of the Department of the Interior, as shown in a letter addressed to Representative Timberlake by Hon. Stephen T. Mather, Assistant to the Secretary, copy of which follows:

DEPARTMENT OF THE INTERIOR,
Washington, November 5, 1915.

DEAR MR. TIMBERLAKE: You will recall that while we were at Estes Park, Colo., in September, participating in the dedication of Rocky Mountain National Park, the question of the advisability of including in the Rocky Mountain National Park the Twin Peaks (Twin Sisters) was discussed at some length.

Petitions filed by Colorado citizens advocating the inclusion of these tracts of mountain land in the Rocky Mountain Park have been under consideration by this department and the Department of Agriculture since June, and they have arrived at the conclusion that it would be desirable to have these additions to the park made. In this connection I am sending you herewith for your information copy of letter just received from the Secretary of Agriculture in which he states that the Department of Agriculture will heartily concur in legislation designed to add these tracts to the park.

No consideration has been given to the matter of adding to the park the tract lying east of it in township 6 north, range 72 west, for the reason that its scenic character has not recently been investigated.

Cordially, yours,

STEPHEN T. MATHER,
Assistant to the Secretary.

The letter from the Secretary of Agriculture referred to in the above letter follows:

DEPARTMENT OF AGRICULTURE,
Washington, October 25, 1915.

The SECRETARY OF THE INTERIOR.

SIR: Please refer to Mr. Mather's letter of June 3, 1915, and Mr. Sweeney's letter of June 28, 1915, transmitting petitions dealing with contemplated additions to the Colorado National Park.

The area mentioned in the petition signed by C. E. Lester and others is also included, with additional areas, in the letter from Mr. Bond, transmitted by Mr. Mather. The records of the Forest Service indicate that not only is it desirable to transfer from the Colorado National Forest to the Rocky Mountain National Park the areas requested in T. 5 N., Rs. 72 and 73 W., but also that it would be desirable to transfer to the park all remaining Government lands within the Colorado National Forest in T. 5 N., Rs. 72, 73, and 74 W., since the tracts which would otherwise remain under the jurisdiction of this department would be too small and isolated to justify the maintenance of separate administration. The tract including the summit of Deer Mountain is not within the boundaries of any national forest. The same is true of the area including the summit of Twin Peaks. These two tracts are tributary to national park areas rather than national forest areas, and this department would heartily concur in any legislation proposing to add them to the park area.

The only area mentioned in the letters and petitions which this department would object to being transferred to the Rocky Mountain National Park is the third tract described in Mr. Bond's letter. The description is indeterminate, but merely refers to land in T. 6 N., R. 72 W., lying east of and adjoining the

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Rocky Mountain National Park. Just what specific areas the petitioners may have in mind does not appear. A general report covering this area shows that it is essentially forest land, is now in a national forest, and while largely burned over, is estimated to carry at present between 35,000,000 and 40,000,000 feet of accessible timber. This burn supplies the free-use permittees in the valley with their fuel and building material, and in additon to this a few ranchers are wholly dependent upon the area for grazing their stock. Taken in connection with the adjoining national forest land to the north, it is believed that this area can be best administered and will serve its highest purpose by remaining within the national forest. It does not appear that there is anything special to recommend it as a portion of the national park.

Respectfully,

D. F. HOUSTON, *Secretary.*

A reliable description of the area included in the bill is supplied in a letter addressed to Representative Timberlake by Mr. Enos Mills, a representative of the Department of National and State Parks of the American Civic Association, and is printed for the information it contains:

WASHINGTON, *D. C., December 28, 1915.*

Hon. C. B. TIMBERLAKE,
Washington, D. C.

DEAR SIR: The four small areas proposed as additions to the Rocky Mountain National Park may safely be called just scenery. They are not well clothed with timber, grass is exceedingly scanty, a mineral outcrop has not been discovered, and they are without any water power.

TWIN PEAKS AREA.

This area overlies the summits and the summit slopes of Twin Peaks, nearly all of it being above the altitude of 10,500 feet. From the summit one commands nearly all the eastern slope—a 25-mile stretch—of the Rocky Mountain National Park. Its most commanding summit is needed by the park officials as a lookout station. It is also needed and has long been used as a viewpoint by the public.

A fringe of timber composed of lodge pole and timber pine and engelmann spruce cover the lower slopes of this area; the upper part of it is above the timber line and is decorated in summer with dwarfed Alpine flowers and small spaces of grass.

GEM LAKE AREA.

Like a high peninsula, the Gem Lake territory thrusts out from the high mountains into the Estes Park Valley. Seen 2 or 3 miles away, the south wall suggests a Yosemite wall. The summit and slopes are piled with domes and spires of granite and scattered with groves and broken growths of pines, firs, and spruces. Gem Lake is a tiny clear pool in a niche near the summit. Gem Lake ridge is an excellent and much-used viewpoint.

DEER MOUNTAIN AREA.

The Deer Mountain area, with its sprinkling of pines and spruces, overlies the rocky summit of Deer Mountain. Its approximate altitude is 10,000 feet. This choice viewpoint affords an excellent outlook on the downward slopes of the mountains, and also of near-by Longs Peak.

The small Horseshoe Park area lies by the main entrance of Rocky Mountain Park and may well be added to the original area.

The three leading areas, though noncommercial, contain viewpoints of vantage. If these points fell into private hands, they might, and probably would, be used to exact toll from the public. They are popular mountain tops. Two good trails were long ago built by the public to the summit of each of these three places. Gem Lake territory is 2 miles north, Twin Peaks about 6 miles to the south, and Deer Mountain about 5 miles west of the village of Estes Park.

Very truly, yours,

ENOS A. MILLS.

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A very able portrayal of the wonderful natural beauties of these scenic areas sought to be added to the Rocky Mountain National Park is provided in an article appearing in the Rocky Mountain News, Denver, Colo., from the pen of John Dickinson Sherman, and is here reproduced.

BILL TO COMBINE GEM LAKE, DEER MOUNTAIN, AND THE TWIN SISTERS WITH COLORADO'S GOVERNMENT PLAYGROUND MAKES SUBSTANTIAL PROGRESS IN WASHINGTON.

Entirely reliable private advices from Washington show that the movement to add various scenic areas in Estes Park to the Rocky Mountain National Park is making substantial progress. This movement purposed to add to the present park about 20 square miles of Government land, including such scenic points as Gem Lake, Deer Mountain, the Twin Sisters, and Miller Fork.

GEM LAKE SCENIC FAVORITE.

Gem Lake lies high up on the northeastern rim of Estes Park, between the domes of one of the lesser mountains. It is a crystal pool, set in ruddy granite, with evergreens adorning its rocky shores.

It is believed to be the smallest body of water in the world that bears the name of lake. But it is well named, for it is a gem, indeed. And from it is a noble view over many miles of Estes Park to Longs Peak and the Rocky Mountain National Park.

It is not far from the eastern boundary of the park, is easy of access from Estes Park village, and for nearly a generation has been a favorite scenic point with the summer visitors. A square mile or so about the lake will include its principal beauties.

Deer Mountain is not high as Colorado peaks go, its height being but 10,028 feet, but it is a notable scenic point, and lies close at hand to the visitors to the park and the Estes Park region.

ENCIRCLED BY FAMOUS DRIVES.

It lies between Estes Park village and the park entrance and is encircled by automobile scenic drives that are already famous. On the north is the Fall River Road, which leads to the park entrance and continues on to the Continental Divide, ultimately to cross the divide and reach Grand Lake. On the south is the High Drive, one of the most scenic roads in America and a great favorite with visitors.

So especially attractive is Deer Mountain as a scenic point that the Estes Park Woman's Club has constructed a horse trail to its summit both from the north and the south. Deer Mountain is an isolated peak and stands so as to command a panoramic view that is well worth while of the valley, its rim, and many of the great peaks beyond. Three square miles or so of land entirely useless except for scenic purposes will take in all that is necessary of Deer Mountain.

The Twin Sisters in a vast bulk of a mountain that gets its name from approximately symmetrical crests that rise on either side of a deep saddle near its north and south center. It can be seen from Denver and is the dark mass appearing to the eye just this side of Longs Peak. The two mountains are distant only about 5 miles from peak to peak and stare at each other across Tahosa Valley, of which they form the eastern and western rims.

The Sisters is rugged and well wooded on its lower slopes. It reaches approximately to timber line, the North Sister being 11,436 feet high and the South Sister 11,384 feet high. It runs north and south, its crests covering something like 4 miles.

At its north end are the Crags and the Devils Slide, which afford climbing difficult enough to suit even the veterans, and to the south it runs many miles in a long tapering ridge, from which open beautiful mountain valleys with streams.

CLOSE TO AUTO ROUTES.

Cow Creek runs along its western foot and receives its waters. Close to its western foot runs the county road, which connects the village of Estes Park, 9 miles away, with Allens Park, Lyons, Boulder, and Ward.

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There are two trails up The Sisters on its western slope, the one built by the Forest Service to its lookout station being a horse trail. Thus it lies close to one of the main routes of automobile travel and is easy of access.

As a scenic viewpoint The Sisters is a joy forever. It commands a clear view in all directions and of almost infinite variety. To the north it looks to the northernmost limits of Estes Park. To the east it looks down on the foothills and the plains.

The smoke of Denver is visible by day and its lights by night.

The irrigation reservoirs on the plain glisten like polished mirrors.

SIGHT TO BE REMEMBERED.

The sun rising from a sea of mist on the plains is a sight to be remembered. To the south is the long, rugged ridge of The Sisters and the purple slopes of Deer Ridge, Lookout Mountain, and lesser heights. To the west is the Continental Divide and the Rocky Mountain National Park, with Mount Meeker, Longs Peak, Mount Lady Washington, Battle Mountain, and Estes Cone in the foreground, and the Mummy Range to the northwest.

An area of something like 8 square miles will take in the two crests and the other most scenic points.

Millers Fork region, which has been dropped from consideration, forms the natural north boundary of Estes Park. The stream is one of the headwaters of the Thompson River, and the region is heavily and handsomely wooded, though less scenic than the other three that have been recommended.

Thus it seems that Gem Lake, Deer Mountain, and The Twin Sisters are well worth adding to the Rocky Mountain National Park. Also, they are naturally parts of the park and should be under the park management.

Mr. R. B. Marshall, formerly chief geographer of the United States Geological Survey, under date of January 9, 1913, made a report to the Secretary of the Interior relative to the proposed establishment of the Rocky Mountain National Park. His report was incorporated in the report of the Public Lands Committee January 12, 1915, when the bill for the establishment of the park was under consideration. There is reprinted here the following brief excerpt from that report by Mr. Marshall, who is now the administrative head in charge of all our national parks, in the Office of the Secretary of the Interior:

I have had prepared and transmit herewith a map of the area around about Estes Park, on which I have outlined the area which, in my judgment, should comprise the proposed park, together with a description defining its boundaries. This area covers approximately 700 square miles and, in my opinion, is the smallest which will meet the demands for a national park in that section. My examination and subsequent conferences with those opposed to, as well as those favoring, the establishment of the proposed park have convinced me that most of the opposition has arisen from the fact that the plan first proposed contemplated the conversion into a national park of a very large area—too large, in fact, for economical administration as a national park—including valuable private holdings, in the foothills east of Estes Park. By confining the proposed park to the area indicated on accompanying may, the demands for a park in this section of Colorado will be met, while only a small acreage of private holdings will be affected and the park will be susceptible of very economical administration.

PHYSICAL CHARACTERISTICS.

There is no predominant commanding natural feature in Estes Park, such as is found in the Crater Lake, the Yellowstone, or the Yosemite, or along the Grand Canyon of the Colorado, but the region as a whole is as beautiful as any to be found in the United States or, indeed, in the world. There is spread before the eye a gorgeous assemblage of wonderful mountain sculpture, surrounded by fantastic and ever-changing clouds, suspended in an apparently atomless space. At first view, as one beholds the scene in awe and amazement, the effect is as of an enormous painting, a vast panorama stretching away for

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illimitable distances. Gradually this idea of distance disappears, the magnificent work of nature seems to draw nearer and nearer, reduced apparently by an unseen miscrope to the refinement of a delicate cameo. Each view becomes a refined miniature, framed by another more fascinating, the whole presenting an impressive picture, never to be forgotten.

ACCESSIBILITY.

Perhaps the most attractive feature of the plan to create this park, viewed from both the National and the State standpoints, is the accessibility of the area. In considering the probable success of this proposed park, I have kept constantly in mind the enormous population of the eastern part of the United States, which would derive benefit from it, its nearness to the large centers of population, and the low transportation charges in effect during the season in which it would be most visited. Estes Park can be reached from Chicago in about 30 hours and from Denver by automobile in about 3 hours. These factors will lead to a large amount of travel into the park from outside the State and undoubtedly will result in its assuming a much more national character than any of the existing parks. Denver being the center of practically all the railroad systems west of Mississippi River, the number of visitors that may be expected annually in the proposed park will add enormous revenues to the State of Colorado and will make this one of its most productive sections.

There has been a marked increase within the last few years in the annual number of visitors to Estes Park and vicinity. It is estimated that this number has increased from 1,800 to 30,000 within a comparatively short time and, with the added attraction of the national park, it seems safe to predict that within a decade or two 100,000 or more people from all sections of the United States will visit this area each year. From a purely commercial standpoint, then, the proposed national park should certainly appeal to the people of the State of Colorado. Moreover, every citizen of Colorado realizes full well the value of the entire State as a health resort, and, reputed for their hospitality as they are, I am sure that none of them would wish, from selfish motives, to prevent the enjoyment of the benefits of his State by the greatest number of people of the whole country; but the State does need the help of the National Government in this, and I know of no way in which this assistance can be better rendered than in the establishment and maintenance of a national park. There is even now in the Estes Park one good hotel, the Stanley, which probably cost in the neighborhood of $500,000, and numerous smaller ones, which seem to indicate clearly the confidence of the public in the permanency of the attractions of this mountain park.

Little, if anything, further need be said in favor of the passage of this bill. All opposition to the extension of the Rocky Mountain National Park has been eliminated by confining the areas to those proposed within the boundaries described in the bill as amended. This is not a new proposition in any sense, but only a small enlargement of a park established by Congress January 26, 1915. No agricultural or mineral lands are included in the proposed extension. The Forest Service is very glad to be able to turn over the small areas that have heretofore been under its jurisdiction to the administration of the Interior Department.

The committee, therefore, after having given this matter very careful and thorough consideration, earnestly recommend the passage of this bill.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 503.

PATENTS FOR CERTAIN LANDS TO TOWN OF MYTON, UTAH.

APRIL 7, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MAYS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 35.]

The Committee on the Public Lands, to which was referred the bill (S. 35) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, having considered same, beg leave to report it to the House with the recommendation that it do pass.

The Uintah Indian Reservation was opened to entry under the homestead and town-site laws by the act of March 3, 1905 (33 Stat., 1069), the act providing that the net proceeds of the sale of such land should be credited to the Indians of the Uintah Reservation. Under this act the President, on July 31 and August 14, 1905, issued a proclamation (34 Stat., 3139, 3143) by which he reserved to the town site of Myton, Utah, the following lands: Lots 3, 4, 5, 6, 7, 8, SW. ¼ of the NE. ¼; S. ½ of the NW. ¼; W. ½ SE. ¼, and the SW. ¼, sec. 25; and lots 1, 2, SE. ¼ of the NE. ¼, and the E. ½ of the SE. ¼, sec. 26, T. 3 S., R. 2 W., and the SW. ¼ of the SW. ¼ (or lot 4), sec. 19; NW. ¼ of the NW. ¼, sec. 29, and the N. ½, sec. 30, T. 3 S., R. 1 W., Uintah special meridian.

Of these lands the lots 3, 4, 5, 6, 7, the SW. ¼ NE. ¼ and the S. ½ the NW. ¼, sec. 25; lots 1, 2, the SE. ¼ the NE. ¼, sec. 26, were platted into lots and blocks, the remainder being reserved for subdivision until the growth of the town should demand such subdivision. Two of the blocks in such subdivision were designated in the plat as "school reserve." The land thus subdivided has nearly all been disposed of at this time.

In January, 1908, the Department of the Interior set aside and reserved all that portion of unsubdivided block No. 1 lying west of the Duchesne River for a public common, and in May of the same year

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the Department of the Interior reserved and set aside for public-park purposes all those portions of unsubdivided blocks 1, 3, 4, 5, 7, 8, 9, 10, lying east and north of the Duchesne River; and in 1911 the department set aside for cemetery purposes the S. ½ the NW. ¼ in said section 30.

This bill proposes to authorize the Department of the Interior to issue patents to the town of Myton to the lands above described for the purposes set forth, and to further authorize the Department of the Interior to issue patents to the SW. ¼ the SW. ¼ of said section 19, to be used as a site for a pumping station and the patenting of the N. ½ the NW. ¼, section 30, to be used as a reservoir and other purposes incidental to the distribution of water to the citizens of Myton.

The Department of the Interior has recommended the passage of this bill, and the report of the Acting Secretary is printed herewith

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DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request of March 13, 1916, for a report on S. 35, a bill to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, and in response thereto I have the honor to submit the following:

The land described is in the Uintah Indian Reservation, Utah, and was opened to entry under the acts of May 27, 1902 (32 Stat., 263), and March 3, 1905 (33 Stat., 1069), which provided for the disposition of the lands in said reservation under the general provisions of the homestead and town-site laws of the United States. Under said acts, the President, by his proclamations of July 21 and August 14, 1905 (34 Stat., 3139, 3143), reserved for town-site purposes the W. ½ of E. ½ and W. ½ of sec. 25 and the E. ½ of E. ½ of sec. 26, T. 3 S., R. 2 W., and the SW. ¼ SW. ¼ sec. 19, and N. ½ sec. 30, and NW. ¼ sec. 29, T. 3 S., R. 1 W., Uintah special meridian. The W. ½ NE. ¼ and NW. ¼ of sec. 25 and the E. ½ NE. ¼ of said sec. 26 were surveyed into lots and blocks. January 25, 1908, the Secretary reserved all that portion of the unsubdivided block No. 1 which lies west of the Duchesne River, to be used for a public common. May 6, 1908, the Secretary reserved all those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10 which lie east and north of the Duchesne River, to be used as a public park. June 1, 1911, the department set aside the S. ½ NW. ¼ of said section 30 for cemetery purposes.

Under the act opening said Indian reservation the proceeds derived from the sale of the lands therein were to be credited to the Indians of the reservation, for which reason it has been held by this department that unless special provision is made by law for the withdrawal of lands for public purposes in Indian lands there is no authority for creating public reserves and patenting them to the municipalities having charge of such reservations. In subdividing that portion of the town site which has been platted blocks 36 and 46 were each designated "school reserve."

I am therefore of the opinion that the bill should be amended to require the payment of a purchase price at the rate of at least $1.25 per acre; and when so amended I see no objections to the enactment of the proposed legislation.

Cordially, yours,

ANDRIEUS A. JONES, *Acting Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 504.

LEAVE OF ABSENCE FOR HOMESTEAD SETTLERS UPON UNSURVEYED LANDS.

APRIL 7, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 1066.]

The Committee on the Public Lands, to whom was referred the bill (S. 1066) authorizing leave of absence to homestead settlers upon unsurveyed lands having had the same under consideration, recommend that it be amended as follows:

In line 7, page 1, strike out the words "continuous leave" and strike all of line 8 and the words "not exceeding" in line 9, and insert in lieu thereof the following: "leave of absence in one or two continuous periods not exceeding in the aggregate."

As so amended the committee recommends that the bill do pass.

The bill as thus amended reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed unreserved unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

A bill similar to this was introduced in the House by Mr. Taylor of Colorado, as H. R. 9691, and was referred by your committee to the Interior Department for report on February 1, and the Secretary of the Interior reported thereon as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 1, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. FERRIS: I have the honor to acknowledge receipt of your request for a report on H. R. 9691, to grant an absence privilege during each year to homestead settlers upon the unsurveyed public lands. The bill is identical in its provisions

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with S. 2316, Sixty-third Congress, as reported to the House of Representatives by your committee March 20, 1914, except that the maximum absence is now fixed at seven months instead of five.

We had recommended passage of S. 2316, and the committee's amendment was made, at the suggestion of the Department of Agriculture, in order to remove ambiguity which might have resulted to the detriment of the public interests in the national forests. I repeat here the reasons for my recommendation of the enactment, set forth in my report on S. 2316.

By section 3 of the act of May 14, 1880 (21 Stat., 140), settlers upon unsurveyed public lands are allowed a preference right to make entry for the tracts claimed by them within three months after the filing of the plats of survey; their rights relate back to the time of settlement, and they are, consequently, on submission of final proof, allowed credit for residence and cultivation had before the dates of their entries. In a general way these settlers are required to keep up a substantially continuous residence in order to maintain their preference right of entry and in order to entitle themselves to credit for compliance with the homestead laws prior to the dates of their entries. However, there is no statute law as to the extent to which they may absent themselves without forfeiting their preference rights, nor is there such a law to allow them to absent themselves without forfeiting their credit for residence.

As stated, the law expressly grants these settlers the right to initiate their homestead claims by settlement, and no good reason appears why they should not be allowed the same periods of absence from the land as are, by the three-year act of June 6, 1912 (37 Stat., 123), allowed to persons who have actually placed their entries of record.

However, no reason exists why the settlers should be accorded the privilege of longer absence than is granted persons who have made entries, and the homestead law does not allow credit for a year's residence unless there has been actual stay upon the land for at least seven months thereof. Therefore the word "seven" (relating to absences) should be changed to "five."

On the other hand, the act of August 22, 1914 (38 Stat., 704), permits the entrymen to divide the allowable absences in each year into two periods, and I see no reason why the same privilege should not be given to settlers on unsurveyed land. Therefore I recommend the enactment of the bill, provided the allowable absence be limited to five months, but that it be amended before its enactment by striking out "continuous" in line 7, all of line 8, and "period not exceeding seven" in line 9, page 1, and inserting in lieu thereof "leave of absence in one or two continuous periods not exceeding in the aggregate five."

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

The bill was thereafter, on February 5, reported to the House by your committee, and on March 6 was passed by the House and sent to the Senate. This action was taken without knowledge of the fact that the Senate had on the 10th of January passed the present bill (S. 1066) and sent it over to the House, the bill apparently having been retained on the Speaker's desk.

The Senate bill was not referred by the Senate committee to the Interior Department during this Congress, and for that reason no mention of it was made in the report of the Secretary of the Interior and no official knowledge was had of its passage. However, a similar bill was favorably reported by the Interior Department to the Sixty-third Congress, as is stated by the Secretary.

Your committee in addition to the report of the Interior Department filed on bill H. R. 9691, Report No. 126, makes an additional statement in behalf of the measure as follows:

The report of the Secretary is very full, and it would seem that little further need be said in support of this measure. There are a large number of homestead settlers upon the unsurveyed public domain, many of whom have been living upon their lands for a great many years without being able to obtain title thereto because of the Government being unable to extend the survey to such lands. It was shown before your committee that men have been living on lands for 25 years without being able to induce the Government

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officials to survey their claims. These settlers have been expressly authorized by the act of Congress of May 14, 1880, which law is still in force, to settle upon unsurveyed lands and initiate a preference right thereto. But there never has been any law authorizing them to obtain any leave of absence. They can not under existing laws even obtain the five months' leave of absence that is allowed to every homestead settler every year upon surveyed lands.

Moreover, after a homestead entryman on surveyed land has resided upon his claim for three years and complied with the law in relation to cultivation, he is given permission to remove from his claim, if he so desires, or if it becomes necessary for his business, or to support or educate his family, while no such privilege has ever been granted to the settlers on unsurveyed lands at any time. Many of them will have to continue residence upon their lands, even under this proposed legislation, for probably many more years in the future, waiting the Government survey before they can obtain any leave of absence, or safely remain away from their land for any period exceeding the five months in any one year, notwithstanding they may have complied with all the requirements of the law as to residence two or three times over.

The amendment suggested by the Secretary of the Interior and adopted by your committee is in conformity with the act of August 22, 1914 (38 Stat., 704). The settler upon surveyed land knows when he can make final proof, while the settler upon unsurveyed land has no assurance as to when, if ever, he can make final proof, and there certainly is no reason now, and never has been during the past 35 years that that law has been on the statute books allowing settlement upon unsurveyed lands, for requiring any stricter rule as to continuous residence than is required of settlers upon surveyed lands.

The Senate bill having passed the Senate before the House passed the House bill, the Senate bill, under the rules, has precedence, and your committee therefore again heartily recommends the passage of this bill, S. 1066, which is, as now recommended, in the identical language of H. R. 9691 as it passed the House on March 6, 1916.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 511.

TO VALIDATE TITLE TO TOWN SITE OF McCABE, MONT.

APRIL 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STOUT, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 600.]

The Committee on the Public Lands, to which was referred the bill (H. R. 600) validating title to the town site of McCabe, in the State, of Montana, having had same under consideration, begs leave to report it back to the House with the following amendments:

Line 12, strike out all after the word "coal," also strike out all of lines 13 and 14.

Line 12, after the word "coal," insert a comma and the following: "Oil, or other mineral deposits in the land, and the right of the United States, its grantors or lessees, to mine and remove same."

As thus amended the committee recommend the bill do pass.

The bill was referred to the Department of the Interior, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, February 23, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your letter of January 25, 1916, transmitting for report H. R. 600, entitled "To validate title to the town site of McCabe, in the State of Montana," and in response thereto I have the honor to submit the following:

The bill proposes to authorize the Secretary of the Interior to accept for surface rights only Santa Fe Pacific lieu-land selection Glasgow 015766, for the SW. ¼ SE. ¼ sec. 4, T. 29 N., R. 56 E., Montana meridian and to issue patents thereto, which shall contain a reservation to the United States of all coal in said lands as provided in section 3, act of June 22, 1910 (36 Stat., 584).

April 27, 1911, the Santa Fe Pacific Railway Co., by John Lundquist, its attorney in fact, filed said lieu selection under the provisions of the act of June 4, 1897 (30 Stat., 36). March 10, 1915, the General Land Office held said lieu selection for cancellation for the reason that the tract was classified as coal land, and as such not subject to that

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kind of selection. July 8, 1915, this department affirmed the decision of the General Land Office.

In the specifications on said appeal it was alleged as error that the Commissioner of the General Land Office in his decision did not take into consideration—

"the fact that the evidence submitted, shows that the land embraced in said lieu selection, was and has been for some time past, covered and occupied as a public town site, and that if the use for which the said selection has been made by the selector in this case and that by reason thereof, the cancellation of said lieu selection would work a gross injustice to parties living upon and inhabiting the same, the selector not desiring to exercise any mineral rights with reference to said land."

In the argument filed with the said appeal this department was asked to take into consideration—

"the fact that the lands involved herein, was and has been since before the selection of said tract by this selector, used and occupied as a town site on which the town site of McCabe, Mont., is located.

"That the selector, John Lundquist, has waived any and all rights to any coal or minerals that may underlie this tract, and that he may be permitted to make entry under and by virtue of this lieu selection upon this land as to the surface title only so as to protect the title to parties who are coccupying this land as a town site."

Land occupied for trade, business, and other town-site purpose is not subject to such lieu selection, and the applicant in said case under his own statements above quoted had no authority or right to make entry or selection of said land even had it not contained coal deposits inasmuch as according to his own showing the land was at that time occupied and used for town-site purposes. The title to the bill is to validate title to the town site of McCabe, but the body of the bill proposes to direct this department to issue patent on said lieu land selection.

If, as represented to the department, the title of the land described in the bill is sought through the lieu selection for town-site purposes, and in interest of the occupants thereof, this department would have no objection to interpose to the enactment of the measure, provided it reserved to the United States all coal, oil, or other mineral deposits in the land, and the right of the United States, its grantors or lessees, to mine and remove the same.

Cordially, yours,

FRANKLIN K. LANE, *Secretary*.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 514.

INDIAN APPROPRIATION BILL.

APRIL 10, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAYDEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 10385.]

The Committee on Indian Affairs, to whom was referred H. R. 10385, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, after full consideration of all Senate amendments thereto, report same back to the House with the following recommendation:

Your committee recommends that the House disagree to all Senate amendments to the bill, and ask that a conference committee be appointed.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 515

TENDERING THANKS OF CONGRESS TO CERTAIN OFFICERS, PANAMA CANAL.

APRIL 11, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 9134.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9134) to repeal certain sections and part of section of an act entitled "An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes," approved March fourth, nineteen hundred and fifteen, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the act of Congress entitled "An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes," approved March fourth, nineteen hundred and fifteen, be amended to read as follows:

"That the thanks of Congress are hereby extended to the following officers of the Army and Navy of the United States who, as members of the late Isthmian Canal Commission, have rendered distinguished service in constructing the Panama Canal, to wit, Colonel George W. Goethals, chairman and chief engineer; Brigadier General William C. Gorgas, sanitary expert; Colonel H. F. Hodges, Lieutenant Colonel William L. Sibert, and Commander H. H. Rousseau.

"SEC. 2. That the President is hereby authorized, by and with the advice and consent of the Senate, to advance in rank one officer of the Corps of Engineers, United States Army, named in section one of this act, to the grade of major general of the line, United States Army, and one officer of the Medical Department, United States Army, named in the same section, to the rank of major general in said department: *Provided*, That no officer now belonging to said corps or said department shall be deprived of or prejudiced in his regular promotion.

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SEC. 3. That for the purposes of this act the number of major generals of the line, United States Army, is increased by one and the rank of the head of the Medical Department, United States Army, is made that of a major general; *Provided*, That the officer who may be advanced and appointed major general in the Medical Department, United States Army, shall thereupon become the head of such department, and the operation of so much of section twenty-six of the act of February second, nineteen hundred and one, as limits the term of office of the head of the Medical Department, United States Army, shall be suspended during the incumbency of the head of the department who may be appointed under this act: *Provided further*, That whenever any officer advanced under the provisions of this act to the grade of major general, United States Army, shall become separated from the active list of the Army by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and if such officer was, prior to such separation, the head of the Medical Department, thereafter the rank of the head of the Medical Department, United States Army, shall be that of a brigadier general: *Provided also*, That the President, upon the retirement of the officers of the United States Army and Navy named in section one of this act and not advanced in rank in accordance with section two, is hereby authorized, by and with the advice and consent of the Senate, to advance said officers one grade on the retired list.

"SEC. 4. That all parts of said act not herein reenacted are hereby repealed."

The purpose of the bill herewith reported is to correct an erroneous provision contained in an act entitled "An act to provide for recognizing the services of certain officers of the Army, Navy, and Public Health Service for their services in connection with the construction of the Panama Canal, to extend to certain of such officers the thanks of Congress, and for other purposes," approved March 4, 1915.

The House passed a bill to extend the thanks of Congress and to provide certain promotion for Col. Goethals, Col. Gorgas, Col. Hodges, Col. Sibert, and Commander Rousseau, who were the engineer commissioners who superintended the construction of the canal.

In the Senate the bill was amended so as to confer various benefits upon certain inferior officers of the Army and the Public Health Service and also to prevent the subsequent order of promotion of the before-mentioned engineer canal commissioners. The provision directly contradicted a provision in the bill passed by the House providing that the benefits of that bill should not interfere with the usual and ordinary opportunities for promotion.

The bill came back to the House with those amendments in the last hours of the Sixty-third Congress and the amendments were concurred in. Your committee thinks those amendments erroneous and proposes to revise and reenact the aforesaid act so as to eliminate and repeal said amendments. Said amendments were wrong for two reasons. First: They detract from the honor and distinction intended for the engineer commissioners by making the benefits conferred so cheap and common through the recognition of other minor and inferior officers for whom such recognition was not intended and by such recognition of them the honors intended for the engineer commissioners are rendered less conspicuous and signal. Second: Such recognition of the minor and inferior officers of the Army and Public Health Service has misled the other officers of the Army and Public Health Service, as well as the civilian employees on the Isthmus, all of whom are insisting that they also ought to be recognized and rewarded by promotions and by a bonus. Your committee does not

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believe that committing one wrong can be properly corrected by committing other wrongs of the same kind. The proper remedy is to repeal the amendment which inflicted the wrong. Therefore instead of extending the promotion, bonus, and largess to others who are not entitled to it your committee thinks it far preferable to undo the original mistake, and for all purposes the accompanying bill is hereby reported by substitute, that the substitute be adopted, and that the bill be passed.

Respectfully submitted.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 516.

SPECIAL PERMITS FOR EXCURSIONS ON PASSENGER STEAMERS.

APRIL 11, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 13831.]

The Committee on the Merchant Marine and Fisheries, to whom was submitted the bill relating to number of passengers to be stated in certificates of inspection of passenger vessels, and for other purposes, and amending sections 4464, 4465, and 4466 of the Revised Statutes of the United States—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and sixty-four of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4464. The board of local inspectors shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodation for and can carry with prudence and safety. They shall report their action to the supervising inspector of the district, who may at any time order the number of such passengers decreased, giving his reasons therefor in writing, and thereupon the board of local inspectors shall change the certificate of inspection of such vessel to conform with the decision of the supervising inspector. Whenever the allowance of passengers shall be increased by any board of local inspectors such increase shall be reported to the supervising inspector of the district, together with the reasons therefor, and such increase shall not become effective until the same has been approved in writing by the supervising inspector."

SEC. 2. That section forty-four hundred and sixty-five of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4465. It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall be liable to any person suing for the same to forfeit the amount of passage money and $10 for each passenger beyond the number allowed.

"The master or owner of the vessel, or either or any of them, who shall knowingly violate this provision shall be liable to a fine of not more than $100 or imprisonment of not more than thirty days, or both."

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SEC. 3. That section forty-four hundred and sixty-six of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4466. If any passenger vessel engages in excursions, the board of local inspectors shall issue to such vessel a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions: *Provided, however*, That the issuance of such special permit shall be reported by the board of local inspectors to the supervising inspector of the district, and such special permit shall not be effective until approved by the said supervising inspector."

With the following amendments: Add, on page 3, line 8, after the word "passenger," the word "vessel"; and strike out on page 3, line 10, the word "steamer" and insert the word "vessel," respectfully reports the same back to the House with the foregoing amendments, with the recommendation that the bill as amended do pass.

The reasons for the enactment of this measure arose from certain facts which were developed in the investigation of the *Eastland* disaster with its attendant loss of life at Chicago in July, 1915.

The hearings were held on the two bills, H. R. 4781 and H. R. 4785. There was considerable testimony relative to the necessity of the amendment of the Revised Statutes of the United States, numbered sections 4464, 4465, and 4466. The existing law provided that the power of determining the number of passengers which any vessel could carry resided in the board of local inspectors, and that the decision of that board should be final.

The Department of Commerce were firmly of the opinion that the supervising inspector should be consulted in all cases, and that his approval should be obtained before the number of passengers to be carried should be determined and made effective.

This measure provides for the proper safeguarding of human lives, and, it is believed, remedies some of the shortcomings of the existing law. It was believed by the committee that it was better to rewrite the bill, and consequently H. R. 13831 was introduced by Chairman Alexander, and said bill has the unanimous approval of the committee.

Appended will be found letters of the Secretary of Commerce, approving of the original bills (H. R. 4781 and H. R. 4785), and also letters from the Merchants' Association of New York and the Traffic Club of New York.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, December 20, 1915.

MY DEAR JUDGE ALEXANDER: I am in receipt of yours of the 7th instant, asking me to give the Committee on Merchant Marine and Fisheries the benefit of my opinion in regard to H. R. 4781, to amend sections 4464 and 4465 of the Revised Statutes, and as to the wisdom of enacting the same into law.

The object of these amendments is to make the sections apply to all classes of passenger vessels, including passenger steam vessels, passenger motor vessels, passenger sail vessels, and passenger barges of the kinds required to be inspected. In other words, it has the effect of covering the carrying capacity of all vessels carrying passengers, instead of limiting it to steamers only, as is done in the present sections. As vessels other than steamers are now also engaged in the business of carrying passengers, I see no reason why the laws should not be made applicable to them.

In the copy of the bill which you sent me, and as introduced, I noticed the words "other than ferryboats" are incorporated. These words may have been in the bill as originally sent you by the department, but if so it was an error. It appears that there is, under this exemption in the law, no limit to the num-

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ber of persons a ferry steamer may carry. There is nothing to prevent such ferry from carrying passengers in excess of a safe limit, and it is to cure this dangerous condition that such words were intended by the department to be omitted from the new act.

The bill, with the exception of the above, in which I am sure you will agree with me, has my approval in every way, and I hope it will be enacted into law.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, December 20, 1915.

MY DEAR JUDGE ALEXANDER: I am in receipt of yours of the 17th instant, asking me to give to the Committee on Merchant Marine and Fisheries the benefit of my opinion with reference to the merits of H. R. 4785, and as to the wisdom of enacting the same into law.

The provisions as contained in the proposed bill grew directly out of the investigation of the *Eastland* disaster. Section 4464 of the Revised Statutes places the carrying capacity of steamers other than ferryboats wholly within the power of the various local boards of inspectors. It appeared in the *Eastland* disaster, and also has appeared in other ways, that in a number of cases the various boards of local inspectors have increased the carrying capacity of steamers over that allowed by local boards granting the original certificate of inspection. You may possibly recall that at the *Eastland* investigation, in addition to the regular board of locals conducting the examination, an advisory board, consisting of Messrs. Marvin B. Poole, Harry Wheeler, and Lieut. Gov. O'Hara, all of Chicago, Ill., were requested by me to sit at the hearing as an advisory board, and that they actually did so. In addition to these gentlemen, Naval Constructor Ackerson and Naval Constructor Gillette, of the Lighthouse Service, also assisted. It was the opinion of these gentlemen, and in such opinion the department, through me, concurred, that this unlimited power as to carrying capacity should not rest wholly within the various boards of local inspectors, but should be subject to some check on the part of the supervising inspectors, and in a report this advisory committee so recommended. H. R. 4785 complies with the recommendation of the committee and seems to me to meet the situation. It has my utmost approval, and I earnestly hope that it will be enacted into law.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
New York, March 1, 1916.

Hon. J. W. ALEXANDER,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

DEAR SIR: The Merchants' Association of New York urges that the Committee on Merchant Marine and Fisheries, in considering House bill No. 4781, amending the present regulations covering the carrying capacity of all vessels transporting passengers, amend the present bill by excepting ferryboats from its operation.

A goodly proportion of the transportation by ferryboats, throughout the country, takes place on the rivers of New York Harbor. A city of such size as New York, with such great commercial and industrial activity, attracts to it, and must depend upon, a large suburban population.

The daily transportation of this large population, under or across the rivers of the harbor of New York, is a serious problem, and, in spite of the tunnels thus far constructed, such transportation must still—and for a long time will

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probably have to—be conducted upon ferryboats in at least some sections of the city.

Under these circumstances, largely peculiar to this community, we earnestly urge that no undue impediment be placed in the way of quick and easy ferryboat transportation.

The ferryboats are of a peculiar model and type of construction, especially designed for the transportation of large numbers of people with complete safety—as far as navigation and stability are concerned.

The inclusion of these specially constructed boats under the operation of this bill would necessitate the installation of some mechanical method of counting, individual by individual, the crowds of passengers which necessarily must be transported by them.

The operation of any such mechanical contrivance would, we believe, result in very material delays, which, during the rush hours of morning and evening, would seriously complicate our already complicated transportation problem.

We, therefore, respectfully request that the bill be so amended in committee as to exclude ferryboats from its operation.

Yours, very truly,

THE MERCHANTS' ASSOCIATION OF NEW YORK
By S. C. MEAD, *Secretary.*

THE TRAFFIC CLUB OF NEW YORK,
New York, February 29, 1916.

Hon. JOSHUA W. ALEXANDER,
Chairman Committee on Merchant Marine and Fisheries,
Washington, D. C.:

At a regular meeting of the Traffic Club of New York, held on this date, the following resolution was passed unanimously:

Whereas the Traffic Club of New York, an organization composed of twelve hundred members, representing a large percentage of the industrial, railroad, and steamship interests of the United States, is deeply concerned in everything pertaining to convenience and safety of the traveling public; and

Whereas a bill has been introduced in Congress, known as House bill 4781 and Senate bill 1222, which latter bill, without any hearing, has on the recommendation of the Secretary of Commerce been reported favorably to the Senate and is now on the Senate Calendar for passage; and

Whereas the enactment of this bill would seriously interfere with the convenience of the traveling public and create a condition of chaos at various railroad and ferry terminals, where absolute safety now exists, by fixing, first, the maximum number of passengers that a ferryboat may carry, and, second, by compelling the counting of all passengers, thus causing a large number of people to miss their trains, and to be delayed in reaching their business and their homes during the commutation hours; and

Whereas we deem the enactment of such a law uncalled for and unnecessary, and feel that it will not in any way add to the safety of the traveling public: Therefore be it

Resolved, That we earnestly oppose the passage of this bill and ask that it be so amended as to remain as the existing law covering such vessels, for the reason that the existing law has been on our statute books since the foundation of the Steamboat-Inspection Service, and although the ferryboats throughout the country carry a maximum of about 500,000,000 passengers a year, there has never been a loss of life through the sinking of a ferryboat by being overloaded, or as the Supervising Inspector General of the Steamboat-Inspection Service admits, there has never been a serious ferry calamity.

Resolved, That a copy of this resolution be transmitted to the Hon. Duncan U. Fletcher, Senator from Florida; the Hon. Joshua W. Alexander, chairman of the Committee on the Merchant Marine and Fisheries; the Hon. James A. O'Gorman and Hon. James W. Wadsworth, Senators from New York; Hon. William Hughes and Hon. James E. Martine, Senators from New Jersey.

Attest:

C. A. SWOPE, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 517.

BRIDGE ACROSS BAYOU BARTHOLOMEW, ARK.

APRIL 11, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 12197.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 12197) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Page 1, line 7, strike out the words "seventeen and section twenty," and insert in lieu thereof the words "nineteen, township sixteen, range five west, and section twenty-four."

Page 1, line 8, strike out the word "five" and insert in lieu thereof the word "four."

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
March 14, 1916.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that H. R. 12197, Sixty-fourth Congress, first session, "Authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew," makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

The Chief of Engineers calls attention to the fact, however, that there is probably some error in the description of the proposed location of the bridge as, according to maps on file in his office, Bayou Bartholomew is several miles distant from the section line mentioned in the bill.

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 518.

EXTENDING TIME TO COMPLETE BRIDGE ACROSS MISSISSIPPI RIVER, MEMPHIS, TENN.

APRIL 11, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 12999.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 12999) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn.," approved August 23, 1912, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the time for the completion of a bridge now in the course of construction across the Mississippi River at Memphis, Tennessee, which the Arkansas and Memphis Railway Bridge and Terminal Company, its successors or assigns, was authorized to construct, maintain, and operate by an act entitled "An act to amend an act approved July twentieth, nineteen hundred and twelve, entitled 'An act to authorize the Arkansas and Memphis Railway Bridge and Terminal Company to construct, maintain, and operate a bridge across the Mississippi River,' approved August twenty-third, nineteen hundred and twelve," be, and the same is hereby, extended to the first day of April, nineteen hundred and seventeen.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read:

A bill extending the time for the completion of the bridge across the Mississippi River at Memphis, Tennessee, authorized by an act entitled "An act to amend an act approved July twentieth, nineteen hundred and twelve, entitled

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'An act to authorize the Arkansas and Memphis Railway Bridge and Terminal Company to construct, maintain, and operate a bridge across the Mississippi River,' approved August twenty-third, nineteen hundred and twelve."

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
April 4, 1916.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The object of the accompanying bill H. R. 12999, Sixty-fourth Congress, first session, is to extend the time for the completion of the bridge of the Arkansas & Memphis Railway Bridge & Terminal Co. across the Mississippi River, at Memphis, Tenn., authorized by act of Congress approved August 23, 1912.

The bill has been amended in red by the Chief of Engineers, to whom it was referred for report, to quote correctly the title of the act of August 23, 1912, authorizing the construction of the bridge, and to eliminate the two provisos in section 1, the occasion or necessity for them not being apparent.

As thus amended I know of no objection to the favorable consideration of the bill by Congress, so far as the interests committed to the War Department are concerned.

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 519.

BRIDGE ACROSS THE ALLEGHENY RIVER, WARREN COUNTY, PA.

APRIL 11, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13475.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13475) granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

[Second indorsement.]

WAR DEPARTMENT, *April 3, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that H. R. 13475, Sixty-fourth Congress, first session, "Granting the consent of Congress to the county commissioners of Warren County, Pa., to construct a bridge across the Allegheny River in the borough of Warren, county of Warren, in the State of Pennsylvania," makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress, so far as those interests are concerned.

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 520.

BRIDGE ACROSS BAYOU BARTHOLOMEW, ARK.

APRIL 11, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13715.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13715) granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
April 5, 1916.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that H. R. 13715, Sixty-fourth Congress, first session, "Granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholonew, Ashley County, Ark.," makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress, so far as those interests are concerned.

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 521.

ABROGATE A CONTRACT LEASE, MUSKINGUM RIVER, OHIO.

APRIL 11, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SUTHERLAND, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 4026.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 4026) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio, having considered the same, report thereon with amendment, and as so amended recommend that it pass.

Amend the bill as follows:

Page 1, line 3, after the word "that" insert the words "upon the payment of an additional $8,800 by the lessees to the United States Government, to be paid within six months after this act is approved and with the understanding that none of the moneys paid by the lessees to the United States Government shall ever be refunded, and in satisfaction of all claims of both parties and in cancellation of the contract between the parties."

Page 1, line 4, strike out the word "abrogate" and insert in lieu thereof the word "cancel."

Page 2, lines 1, 2, and 3, strike out the words "The Secretary of War is hereby directed to collect no rental under lease other than that already paid in full for the first year of the contract."

Amend the title so as to read:

A bill authorizing and directing the Secretary of War to cancel a contract lease of land and water power on the Muskingum River, Ohio.

The facts in regard to the pending bill are these: Pursuant to the act of Congress of August 11, 1888, the Secretary of War leased to W. W. Mills, of Marietta, Ohio, S. D. Camden and Henry H. Archer, of Parkersburg, W. Va., on February 28, 1913, certain land and

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water power on the Muskingum River in Ohio at dams Nos. 3, 4, 5, and 6 for a period of 22 years, upon the payment of an annual rent of $8,800. The lease was made to the men named after advertising for bids, no other bidders appearing. The lessees named had acted upon a report made by a local engineer, but subsequent to signing the contract and preliminary to making the improvements they contemplated for developing the water power they secured a report from a firm of hydraulic engineers, Messrs. Sanderson & Porter, of New York, upon the feasibility of the plan. The report was distinctly unfavorable and disclosed the fact that for the purpose for which the water power in question was intended to be used, on account of flood waters at certain seasons of the year and a scarcity of water during the summer months and for other reasons given, the plan was not feasible. The lessees had expected to use the power to be developed for the production of electrical power for interurban trolley line purposes.

The fact that the water power was insufficient and uncertain made it impracticable to utilize it where constant energy was needed. It developed that it would be necessary to maintain a 100 per cent reserve combustion power station, and the lessees, after paying a year's rental of $8,800 to the Government, decided to abandon the project. It is not held nor claimed that they have a legal right to ask the abrogation of the lease, but inasmuch as the enforcement of the lease would entail an unnecessary hardship under the circumstances, your committee has approved the bill, with the amendments suggested above, which provide that an additional year's rental shall be paid and that the money paid on the lease shall not be refunded. All the rights of the Government in and to the water power and land in question are intact and have been in nowise disturbed nor lessened in value. It is possible that the power can be utilized for other purposes not requiring constant application.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 522.

BRIDGE ACROSS BAYOU BARTHOLOMEW, ARK.

APRIL 11, 1916—Referred to the House Calendar and ordered to be printed.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 10849.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 10849) granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

[Second indorsement.]

WAR DEPARTMENT,
February 23, 1916.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill 10849, Sixty-fourth Congress, first session, "Granting the consent of Congress to Ashley County, Ark., to construct a bridge across Bayou Bartholomew," at or near the town of Wilmont, Ark., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

H. L. SCOTT,
Secretary of War ad interim.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 524.

TO AMEND SECTION 4931 OF THE REVISED STATUTES.

APRIL 12, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. OGLESBY, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 13618.]

The Committee on Patents, to whom was referred House bill 13618, respectfully report that they have had the same under consideration and recommend that the bill be passed.

The bill proposes to amend section 4931 of the Revised Statutes.

The amendment consists of adding the following after the semicolon in line 9: "and that during the term of Letters Patent for a design heretofore or hereafter issued for one of the shorter terms, the owner thereof may at any time, but not later than thirty days prior to the expiration of the term for which said patent was issued, file with the Commissioner of Patents his election of one of the longer terms provided by law, said application being accompanied by an amount of money equal to the difference between the fee paid for the patent as issued and the fee that would have been required to be paid had the applicant for said patent originally elected such longer term. The Commissioner of Patents shall thereupon amend and modify the Letters Patent issued in such case so as to include the unexpired balance of such longer terms so elected by the owner of said Letters Patent."

Under section 4931, as it now stands, the inventor of a design has an option as to one of three terms of protection for his invention, based upon the payment of a fee of varying size. As the law now stands he is required to make his election in his application for patent. The amendment proposes to permit him to make his election at any time he desires to do so, providing it is done prior to the time (i. e., the expiration of the patent) when any intervening rights might arise. The amendment does not permit the owner to prolong his patent beyond the statutory term now allowed.

The bill as proposed in its present form meets with the approval of the Commissioner of Patents and is in line with the recommendation made by him in each of his annual reports.

It is believed that the enactment of this law will greatly increase the revenues of the Patent Office, and will furnish an incentive for the development of an American school of designers, because, as stated by the Commissioner of Patents, "The present method of protecting designs is so costly that designers make little use of it."

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 525.

RIGHT OF WAY NEAR ENGLE, TEX.

APRIL 12, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HERNANDEZ, from the Committee on Irrigation of Arid Lands, submitted the following

REPORT.

[To accompany S. 1843.]

The Committee on Irrigation of Arid Lands, to which was referred the bill (S. 1843) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., having had the same under consideration, reports the bill to the House with recommendation that the bill do pass with the following amendments:

On page 2, line 2, after the word "month:" insert the following: "*Provided*, That the Secretary of the Interior shall at all times have authority to determine the times, place, and manner in which said Atchison, Topeka and Santa Fe Railway Company shall be permitted to take such water from said reservoir, and that all expense incident thereto shall be borne by said railway company."

On page 2, line 2, after the word "*Provided*," insert the word "*further*."

This bill has been referred to the Interior Department, and the Secretary of that department furnished the committee with the following report:

WASHINGTON, *February 29, 1916.*

Hon. W. R. SMITH,
Chairman Committee on Irrigation of Arid Lands,
House of Representatives.

MY DEAR MR. SMITH: With your letter of February 9 was received copy of H. R. 4828, a bill authorizing the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., with request for my views relative thereto.

The bill appears to be identical with Senate bill 1843, upon which I submitted report and recommendation to the Senate Committee on Public Lands January 8, 1916.

A copy of said report is inclosed for your information.

Cordially, yours,

FRANKLIN K. LANE, *Secretary,*

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The copy of the Secretary's report and recommendation to the Senate committee is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 8, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of your letter of December 17, 1915, forwarding for consideration, report, and suggestions, S. 1843, entitled "A bill to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex."

In response, I have to invite your attention to our letter of September 23, 1913, reporting on S. 3112, Sixty-third Congress, first session, entitled "A bill to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.," in which the department said:

"I am in receipt, by your reference for report of S. 3112, which proposes to authorize the Secretary of the Interior to acquire from the Atchison, Topeka & Santa Fe Railroad Co. certain lands within the limits of the Engle Reservoir, Rio Grande reclamation project, in exchange for such quantity of water to be furnished from the Government reservoir, as the Secretary of the Interior may find to be necessary for the operation of the company's railway, but not exceeding 30,000,000 gallons of water per month.

"The facts as shown by the records of this department are that the company acquired a right of way of a strip of land between a point near Engle, N. Mex., and the Rio Grande River with the intention of piping water from the river for railroad uses. Subsequently an adequate supply of water for present uses was secured from wells located nearer the line of the railroad, but the right of way was retained by the company for extension of the pipe line to the river if necessary.

"After the undertaking of the Rio Grande reclamation project under the reclamation act of June 17, 1902 (32 Stat., 388), and that of the act of February 15, 1905 (33 Stat. 814), it was found that the said tract of land would necessarily be included within the exterior limits of the reservoir now under construction for the impounding of the waters of the Rio Grande in connection with said reclamation project. The railway company was willing to convey to the United States all of said tract which would be flooded by the reservoir in return for a water supply from the reservoir, not exceeding 30,000,000 gallons per month, but was unwilling to sell the land for cash for the alleged reason that it would be deprived of the water necessary for the operation of the railroad. Upon consideration of the matter the department reached the conclusion that it was without authority to exchange such a water right for the desired lands.

"The purpose of S. 3112 is, therefore, to obtain congressional sanction for the exchange of water from the reservoir for a full and complete title to the said land of the railway company.

"I am advised by the Director of the Reclamation Service that it will be to the interests of the United States to make the exchange proposed rather than to acquire the tract by purchase or condemnation and pay cash therefor; and, further, that, in his opinion, while the amount of water to be furnished is fixed in the bill at 30,000,000 gallons per month, or such amount as the Secretary of the Interior may find to be necessary for the operation of the railway, it is his opinion that the company will not require the maximum amount of water for railway purposes, because the railway line is not a trunk line but a branch line and comparatively few trains are operated upon it.

"In view of the foregoing, and having in mind the interests of the United States, of the future water users under the project who must ultimately pay the cost thereof, and of the railway company, the department has no objection to interpose to the enactment of the measure if it be amended in two particulars:

"(1) That the United States shall not be required to furnish the water to the company but that the company be allowed to take from the reservoir such amount of water as the bill proposes to authorize; in other words, the United States should not be required to assume the burden of delivering the water to the company, but the company should. in future, as it does at present, itself convey water from the source of supply to the place of use.

"(2) The bill should obligate the United States to allow the water to be taken only when same is available in the reservoir. In other words, the United States should not assume any responsibility or liability in the event that, through any accident or other unavoidable cause, there should be no water available to the company in the reservoir. I therefore suggest that the clause beginning with the word 'and,' in line 8, page 1, and ending with the words 'Reclamation Service,' in line 12, page 1,

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be stricken out and the following inserted in lieu thereof: 'and as the consideration for such conveyance the railway company shall be permitted to take from the water impounded above Elephant Butte Dam, now under construction by the Reclamation Service'; also, that a proviso be added to the bill, as follows: '*Provided*, That neither the United States nor its successors in interest shall be held liable for or obligated to supply the water hereinbefore described; but in the event that the United States or its successors in interest shall abandon the use of the land upon which the said Atchison, Topeka & Santa Fe Railway has its said right of way for a reservoir site, as herein contemplated, said right of way, so far as the same may be conveyed to the United States hereunder, shall revert to the said railway company.'

"Respectfully,

"A. A. JONES, *Acting Secretary*."

Inasmuch as S. 1843, Sixty-fourth Congress, first session, conforms in every particular to the report of this department of September 23, 1913, I see no objection to its enactment into law, and I recommend the passage of the bill.

Cordially, yours,

FRANKLIN K. LANE.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 533.

METALLIFEROUS MINERALS ON INDIAN RESERVATIONS.

APRIL 12, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAYDEN, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 12426.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations, having carefully considered the same, recommends that the bill be amended, and that as so amended the bill do pass.

Amend the title of the bill by striking out the words "in the State of Arizona."

On page 1, line 11, strike out the words "in the State of Arizona."

On page 2, strike out all of lines 5, 6, 7, 8, 9, 10, and 11 and insert in lieu thereof the following:

SEC. 2. That after the passage and approval of this act unallotted lands within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for and discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be.

On page 3, line 18, strike out the word "twenty" and insert in lieu thereof the word "eighty."

On page 4, line 25, strike out the word "two" and insert in lieu thereof the word "five."

On page 6, line 14, strike out the word "carry" and insert in lieu thereof the word "carrying."

On page 6, after line 20, insert a new section as follows:

SEC. 13. That the provisions of this act shall not apply to the Five Civilized Tribes and Osage Nation of Indians in Oklahoma.

The bill as amended will read as follows:

A BILL To authorize mining for metalliferous minerals on Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms

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and conditions as he may prescribe, not inconsistent with the terms of this act, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

SEC. 2. That after the passage and approval of this act unallotted lands within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for and discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States: *Provided*, That the locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this act, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim: *Provided further*, That duplicate copies of the location notice shall be filed within sixty days with the superintendent in charge of the reservation on which the mining claim is located, and that application for a lease under this act may be filed with such superintendent for transmission through official channels to the Secretary of the Interior.

SEC. 3. That leases under this act shall be for a period of fifty years, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease.

SEC. 4. That in addition to areas of mineral land to be included in leases under this act the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, a tract of unoccupied land, not exceeding eighty acres in area, for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease.

SEC. 5. That the Secretary of the Interior, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided*, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved.

SEC. 6. That any successor in interest or assignee of any lease granted under this act, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the approval under which such rights are held and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original lessee hereunder.

SEC. 7. That any lease granted under this act may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this act or with such conditions not inconsistent herewith as may be specifically recited in the lease.

SEC. 8. That for the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which shall be five per centum of the gross value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such lease, at the rate of 25 cents per acre for the first calendar year thereafter; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year.

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SEC. 9. That in addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than $100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws of the United States.

SEC. 10. That the Secretary of the Interior is hereby authorized to examine the books and accounts of lessees, and to require them to submit statements, representations, or report, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

SEC. 11. That all moneys received from royalties and rentals under the provisions of this act shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their education, support, and civilization.

SEC. 12. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this act as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions of this act into full force and effect: *Provided*, That nothing in this act shall be construed or held to affect the right of the State or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

SEC. 13. That the provisions of this act shall not apply to the Five Civilized Tribes and Osage Nation of Indians in Oklahoma.

The Department of the Interior favors the passage of this legislation, as shown by the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1916.

MY DEAR MR. STEPHENS: I have your request for report upon H. R. 12426, which proposes to permit prospecting for and leasing of metalliferous mineral deposits within Indian reservations in the State of Arizona for 50-year periods upon a flat royalty of 2 per cent of the gross value of the output at the mine, the proceeds to be deposited in the Treasury to the credit of the Indians.

I favor the enactment of this measure. I find that 5 per cent is the ordinary commercial leasing rate, and would suggest that in lieu of 2 per cent. It also appears that there is a public demand that mineral deposits in Indian reservations in other States be opened to development, and I therefore suggest that the words "in the the State of Arizona," in line 11, page 1, be stricken out, making the bill applicable to such deposits in all Indian reservations. It is also suggested that lines 5 to 11, page 2, be eliminated, and the following substituted therefor:

"That after the passage and approval of this act unallotted lands within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for and discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be."

The latter amendment is suggested for the reason that there may be cases where the opening of all lands within a given Indian reservation to exploration and prospecting would be destructive of the rights and interests of the Indians or inadvisable from the standpoint of public policy, and the proposed amendment gives some discretion to the officers of the United States in that connection.

In line 14, page 6, the word "carry" should be "carrying."

With these amendments, I recommend the bill be enacted.

Cordially, yours,

(Signed) FRANKLIN K. LANE.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

The following table shows the area of unallotted lands included within Indian reservations in the Rocky Mountain and Pacific Coast States which will be opened to prospecting for gold, silver, copper,

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and other valuable metalliferous minerals in the event that this bill becomes a law:

Area of unallotted land in Indian reservations.

State.	Acres.
Arizona	19,551,045
California	436,211
Colorado	375,960
Idaho	55,453
Montana	4,313,416
Nevada	687,912
New Mexico	1,889,880
Oregon	1,208,469
Utah	306,880
Washington	3,150,075
Wyoming	608,526

It is well known that many of the reservations in the Western States contain large and valuable deposits of minerals, but in the absence of suitable legislation there has been no development of these resources. The Indians have not engaged in mining because they do not possess either the knowledge or the capital that is required to conduct extensive mining operations. It is the opinion of your committee that this bill offers a workable plan that will bring about development and which fully protects the interests of the Indians.

The leasing provisions of this bill have been taken without material change from applicable sections of H. R. 406, a bill to authorize exploration for a disposition of coal, oil, gas, phosphate, potassium, or sodium, and H. R. 408, a bill to provide for the development of water power and the use of the public lands in relation thereto, which recently passed the House. These measures were so thoroughly discussed both in the Sixty-third and in the present Congress that it is presumed that a detailed explanation of the nature of the leases provided for in this bill is unnecessary.

The attention of those who, as a matter of principle, object to the adoption of the leasing system on the public domain is directed to the fact that the lands that may be leased for mining purposes under the provisions of this bill are the tribal property of the Indians and that it has never been the policy of the Government to permit mining on Indian reservations under the general mi ing laws. These lands have been set aside for the exclusive use and benefit of the Indians, and they are entitled to receive the same income from their property as any other private proprietor.

Owing to the present high prices of metals this is a most opportune time for the passage of a measure of this character and it is certain that its enactment into law will mean the immediate development of many valuable mines. It is the hope of your committee that a number of the Indian tribes will in time receive a sufficient income from royalties and rentals from their mineral lands, so that it will be no longer necessary to make gratuity appropriations from the Treasury for their education, support, and civilization.

As originally introduced, this bill applied to the State of Arizona only, but if the bill is made general in its scope over one-half of the total area that will be opened to prospecting and development will still be located within that State. The area of the newly created Papago Reservation in Arizona is not included in the above table, because the mineral lands within that reservation have not been withdrawn from entry or withheld from disposition under the mining laws.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 535.

TERM OF PATENT NO. 21053.

APRIL 13, 1916.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. OGLESBY, from the Committee on Patents, submitted the following

REPORT.

[To accompany S. 4889.]

The Committee on Patents, to whom was referred S. 4889, respectfully report that they have had the same under consideration, and that the bill be amended as hereinafter set forth, and, as so amended, that the bill do pass.

Amendment No. 1: In line 6, strike out the word "permanently."

Amendment No. 2: In line 7, after the word "extended," insert "for a period of fourteen years from and after the passage of this act."

Amendment No. 3: Strike out all of lines 10, 11, and 12.

The purpose of this bill is to secure for the incorporated association known as the Daughters of the American Revolution the exclusive right to use the insignia or badge adopted by them and upon which they obtained a design patent in 1891, said design patent now having expired. The purpose of securing this protection is not commercial, but in order to enable the association to prevent the manufacture, sale, and use of the insignia except with the consent of the association. Under the regulations of the association, members even are not permitted to wear this badge until they obtain a permit issued by the registrar general of the Daughters of the American Revolution.

The design patent having expired, there is no way the desired protection can be secured other than by act of Congress.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 537.

CERTAIN LANDS ISSUED TO THE TOWN OF DUCHESNE, UTAH.

APRIL 13, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MAYS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 36.]

The Committee on the Public Lands, to which was referred the bill (S. 36) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah, having had the same under consideration, begs leave to recommend that it do pass.

Amend by inserting after the word "purposes," in line 7, the words "upon the payment of $1.25 per acre."

This bill proposes to authorize the Secretary of the Interior to issue patents for certain lands to be used for cemetery purposes by the town of Duchesne. The town site of Duchesne was created under the act of May 27, 1902 (Stat., 32, 245–263), as amended by the act of March 3, 1905 (33 Stat., 1069). The act of May 27, 1902, restored the land in question to the public domain, but provided that the money received from its sale should go to the Indians of the Uintah Reservation, of which the land had been a part. The land desired to be appropriated by the town of Duchesne under this bill adjoins the town site and appears from the records to be unappropriated land. The bill as unamended sought to authorize the issuance of patents without fixing any compensation therefor.

The Secretary of the Interior, however, in his report stated that in similar cases it had been the rule to charge $1.25 an acre for such lands to be used for cemetery purposes, and he recommended that such a charge be fixed in this bill. Accordingly the bill has been so amended as to incorporate into its provisions this feature.

The letter of the Secretary of the Interior to Senator Myers, of the Senate Public Lands Committee, accompanies this report.

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DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: I am in receipt, for report, of S. 36, a bill "To authorize the Secretary of the Interior to issue patents for certain lands to the town of Duchesne, Utah," and in response thereto I have the honor to submit the following:

The town site of Duchesne was created under the act of May 27, 1902 (32 Stat., 245, 263), as amended by the act of March 3, 1905 (33 Stat., 1069). Said act of May 27, 1902, restored the land to the public domain, the proceeds to go to the Indians of the Uintah Indian Reservation, in which the land mentioned in the bill is situated. Said land adjoins the town site and appears to be unappropriated land. The bill proposes to authorize the issuance of patent to the town for the land for cemetery purposes and without fixing any compensation therefor.

The act of September 30, 1890 (26 Stat., 502), authorizes incorporated cities and towns to purchase for cemetery and park purposes public lands not reserved for public use, such lands to be within 3 miles of such cities or towns; and the act of March 1, 1907 (34 Stats., 1052), authorizes the sale of unappropriated nonmineral public lands "to any religious or fraternal association, or private corporation, empowered by the laws under which such corporation or association is organized or incorporated to hold real estate for cemetery purposes," at not less than $1.25 per acre. It appears, therefore, that all legislation for cemetery purposes heretofore enacted requires the payment of a purchase price; and, inasmuch as the proceeds to be derived from the sale of the land are to go to the Indians on said reservation, I recommend that the bill be amended by inserting, after the word "purposes," in line 7, the words "upon the payment of $1.25 per acre." When so amended I see no objection to the enactment of the proposed legislation.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 538.

GRANTING EXTENSION OF PATENT DESIGN TO UNITED DAUGHTERS OF THE CONFEDERACY.

APRIL 13, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. OGLESBY, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 12481.]

The Committee on Patents, to whom was referred H. R. 12481, respectfully report that they have had the same under consideration, and that the bill be amended as hereinafter set forth, and, as so amended, that the bill do pass.

Amend by striking out all of the words after the enacting clause and inserting in lieu thereof the following:

That a certain design patent issued by the United States Patent Office of date November eighth, eighteen hundred and ninety-eight, being patent numbered twenty-nine thousand six hundred and eleven, is hereby renewed and extended for a period of fourteen years from and after the passage of this act, with all the rights and privileges pertaining to the same as of the original patent, being generally known as the insignia of the United Daughters of the Confederacy.

The purpose of this bill is to secure for the incorporated association known as the United Daughters of the Confederacy the exclusive right to use the insignia or badge adopted by them and upon which they obtained a design patent in 1898, said patent now having expired. The purpose of securing this protection is not commercial but in order to enable the association to prevent the manufacture, sale, and use of the insignia except with the consent of the association. Under the rules and regulations of the association members, even, are not allowed to wear this badge until they obtain a permit issued by the proper officers of the association.

The design patent having expired, there is no way the desired protection can be secured other than by act of Congress.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 539.

CONSOLIDATION OF FOREST LANDS IN THE FLORIDA NATIONAL FOREST.

APRIL 18, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MAYS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 3764.]

The Committee on the Public Lands, having had under consideration the bill (S. 3764) to consolidate certain forest lands in the Florida National Forest, begs leave to report the bill to the House with recommendations that it do pass.

From the records of the General Land Office it appears that the Florida National Forest is composed of two forest units, the Choctawatchee and the Ocala. These two units were consolidated under the name of the Florida National Forest by a proclamation of April 17, 1911. The Choctawatchee division of the forest lies in the northwestern part of the State, in Santa Rosa and Walton Counties, while the other is in the east central part, in Marion and Lake Counties.

The gross area of these two divisions which now comprise the Florida National Forest is estimated by the General Land Office to be 673,879 acres. Of this gross acreage more than half is included in final railroad and State selections and patented and pending entries. Most of these alienations are in the Choctawatchee division, nearly all of the odd-numbered sections having passed to the Pensacola & Georgia Railroad under the act of Congress approved May 17, 1856 (11 Stat., 15). Within the exterior limits of the reserve there are still about 299,166 acres to which title rests in the Government.

The object of this bill is to consolidate the holdings of the Government within the exterior limits of the reserve. It is desired to have as nearly a compact holding as possible rather than a great number of small ones scattered over a large area. And, as is indicated by the report of the Secretary of Agriculture on this division, there is a large acreage along the coast which is valuable only for the

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culture of forests and which could be acquired by the Government, while other lands which are of greater value for agricultural purposes might as readily be disposed of.

The consolidation, if effected, would, according to the report of the superintendent of the Florida National Forest, render the management of the reserve much easier as well as cheaper, and would at the same time make it possible to make more effective preparation against forest fires.

Attached hereto are reports from the Secretary of the Interior and the Secretary of Agriculture, in both of which the proposed legislation finds support.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: In response to your request therefor I have the honor to submit the following report on S. 3764, "To consolidate certain forest lands in the Florida National Forest":

The records of the General Land Office show the Florida National Forest to be composed of two separate forest units—the Choctawhatchee and the Ocala—which were consolidated under the name of Florida National Forest by proclamation of April 17, 1911. The Choctawhatchee division is in the northwestern part of the State, in Santa Rosa and Walton Counties, and the Ocala division in the east central part, in Marion and Lake Counties. The estimated gross area of the national forest is 673,879 acres more than half of which is embraced in final railroad and State selections and patented and pending entries. The greater portion of such alienations are within the Choctawhatchee division, in which practically all the odd-numbered sections passed to the Pensacola & Georgia Railroad under the act of Congress approved May 17, 1856 (11 Stat., 15). The total present area within the exterior limits of the reserve, title to which is still in the Government, is approximately 299,166 acres.

As will be perceived from the foregoing, the object sought to be attained by this bill will not be secured under S. 2380, now pending before your committee, as the latter bill only relates to the exchange of school lands, while in this case I am informed that the major part of the lands involved is lands granted to railroads or patented to private individuals.

This department has not sufficient information upon which to base a definite and specific recommendation upon this measure, but suggests that the Secretary of Agriculture may be able to furnish your committee with more complete information and with specific recommendation in the premises. Should the Secretary of Agriculture favor the enactment of the measure, this department would interpose no objection thereto.

Cordially, yours,

(Signed) FRANKLIN K. LANE, *Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, February 1, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

DEAR SENATOR MYERS: I wish to acknowledge receipt of a copy of the bill (S. 3764) to consolidate certain forest lands in the Florida National Forest, with the request that your committee be sent such suggestions and recommendations as this department may see fit to offer. The bill authorizes and empowers the Secretary of the Interior, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States for privately owned lands of approximately equal values within the exterior limits of the Florida National Forest, which lands upon the consummation of the exchange shall become a part of that forest. The Florida National Forest consists of two units, the larger and more important of which is situated on Choctawhatchee Bay and Santa Rosa Sound in west Florida, in the counties of Santa

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Rosa, Okaloosa, and Walton. The other division is located in east Florida, on the St. Johns River, in Marion and Volusia Counties. The total gross acreage of the forest is 673,879 acres, of which 299,166 acres are owned by the Government, the remainder being in the hands of private owners. Since the two divisions of the forest differ somewhat in general conditions, the purpose of this report will be best served by considering them separately.

Choctawhatchee division.—The Choctawhatchee or western division of the forest has a total gross acreage of 467,790 acres, of which 157,718 acres belong to the Government; 310,072 acres have been alienated and are now privately owned. With the exception of several solid bodies of Government land along Choctawhatchee Bay, the Government lands and private holdings are intermixed, checkerboard fashion, throughout the division. Practically the entire area is uniformly covered with a forest growth of long-leaf pine, valuable not only for saw timber, crossties, etc., but for its naval-stores by-product. The considerable area of privately owned lands within the forest boundaries presents many difficulties in fire protection and fire suppression. If the forest lands were consolidated in one large body, or even in several smaller bodies, their administration would be rendered much less difficult, and it would become possible to reduce the cost of administration and increase its effectiveness.

Since the Florida forest contains the only long-leaf pine owned or controlled by the Government, it presents the sole opportunity that the Government has to render practical assistance to the people of the South in conducting studies and experiments in this species on a large scale. Practical turpentine experiments have been carried on in this forest for a number of years, and the results so obtained are of the utmost value to the naval-stores operators throughout the South. The consolidation of the forest lands will make it possible to carry on these experiments at greatly reduced cost and with much better results.

The cattle business is one of growing importance in Florida, and as the State is settled up the national forest will become more and more important to this industry. Through consolidation only is it possible to effectively administer the range in the forest. If the exchange is authorized, the western division of the forest could be contracted to about one-half of its present size. It would then be possible to establish well-defined forest boundaries which can be seen and readily understood by local inhabitants. At present the boundaries are so indefinite that the local people are frequently guilty of innocent trespass because of the difficulty of locating the forest boundaries. As soon as consolidated the gross income of the forest should increase, since it will then be possible to dispose of much fully matured timber which now can not be disposed of on account of the cost of handling scattered units.

Ocala division.—This part of the forest is located near the center of the peninsula of Florida. The lands within the exterior boundaries are not so intimately mixed as in the case of the Choctawhatchee division. However, there is need of exchange and consolidation in the two north townships of the division. While differing in degree, the benefits to be derived from consolidation in the Ocala division are the same as those mentioned for the Choctawhatchee division. The greatest single benefit will be that of fire protection.

In view of the fact that the exchanges would be mutually beneficial to the Government and the private owners, this department approves of the passage of the bill and recommends that your committee give it favorable consideration.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 541.

PURCHASE OF PUBLIC LANDS FOR PARK PURPOSES, SALIDA, COLO.

APRIL 13, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 21.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 21) authorizing the city of Salida, Colo., to purchase certain lands for public park purposes, having had the same under consideration, respectfully recommend that it be amended as follows:

Page 1, line 4, after the word "years," insert the word "from."

Page 1, line 9, beginning with the word "all," strike out the remainder of that line and all of lines 10 and 11, and the words "acres more or less and" in line 12.

Page 2, line 7, after the word "patent," insert the words "shall be."

Page 2, line 8, beginning with the word "subject," strike out the remainder of that line and all of line 9.

Page 2, line 10, before the word "that," insert the word "Provided," and strike out the word "grant" in same line and insert in lieu thereof the word "conveyance." Same line strike out the word "made," and insert in lieu thereof the word "authorized."

Page 2, line 13, after the word "Provided," insert the word "further."

And that so amended the bill do pass.

This bill was referred to the Interior Department for report, and the Secretary reported thereon as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands, House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your letter of December 15, 1915, submitting for report H. R. 21, a bill "Authorizing the city of Salida, Colo., to purchase certain public lands for public park purposes," and in response thereto I have the honor to herewith submit the following report:

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The plat of survey of sec. 16 in T. 49 N., R. 9 E., N. M. P. meridian, was approved April 3, 1874. Under the act of March 3, 1875 (18 Stat., 474), sections 16 and 36 in every township were granted to the State of Colorado. The State was admitted into the Union August 1, 1876 (19 Stat., 665). The title of said section 16 included in the bill, therefore, passed to the State August 1, 1876. No indemnity lieu lands have ever been allowed to the State for said section, or any part thereof, and the United States Government has no further jurisdiction over the land. It therefore appears that the town can only acquire title to said section through the State or its grantees.

The S. ½ of sec. 25, and the SE. ¼ of sec. 26, T. 51 N., R. 8 E., N. M. P. M., contain 480 acres. The NW. ¼ of SE. ¼ of said sec. 26, appears from the tract book in the General Land Office to be subject to the Denver & Rio Grande Railway Co.'s right of way, and the W. ½ of SE. ¼ is covered by the power site withdrawal made by Executive order of July 2, 1910. Otherwise the land in said sections 25 and 26 appears to be unappropriated public land.

I therefore recommend the amendment of the bill by inserting after the word "years," in line 4 on page 1, the word "from," by striking out of line 9, page 1, the words "all of section sixteen, township forty-nine north," and all of lines 10 and 11, and the words "acres, more or less, and" in line 12, by inserting after the word "patent" in line 7 on page 2 the words "shall be," and by striking out of lines 8 and 9, page 2, the words "subject to the existing laws and regulations concerning public parks." These words do not designate what laws and regulations and may as well be omitted.

When so amended I see no objection to the passage of the bill.

Very truly, yours,

FRANKLIN K. LANE.

All of the amendments recommended by the Secretary of the Interior have been approved by your committee. The Secretary of the Interior has also recommended to the President the issuance of an Executive order withdrawing this land from all forms of entry pending consideration of this bill by Congress, and that order has been duly issued and the land is now held subject to this legislation, as will appear from the following letter of the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1916.

Hon. EDWARD T. TAYLOR,
House of Representatives.

MY DEAR MR. TAYLOR: I am in receipt of your letter of December 15, 1915, relative to report on H. R. 21, a bill to "Authorize the city of Salida, Colo., to purchase certain public lands for public park purposes," and in reply I have the honor to advise you that I have this day submitted to the House Committee on the Public Lands a favorable report on the bill as to sections 25 and 26 therein mentioned. The committee's attention is called to the fact that section 16 is school land granted and passed to the State years ago and that the Government has no jurisdiction over the same. The city may, however, be able to secure title to that section through the State or its grantees.

I have also this day transmitted a form on an Executive order to the President for his consideration, with a letter recommending the execution thereof for the lands in sections 25 and 26 described in the bill.

Your inclosures are herewith returned.

Cordially, yours,

FRANKLLIN K. LANE.

This bill was introduced at the request of the mayor and the president of the commercial club of the city of Salida, and also the chairman of the board of county commissioners of that county, as will be shown by the following letter:

THE SALIDA COMMERCIAL CLUB,
Salida, Colo., November 29, 1915.

Hon. ED. T. TAYLOR,
Glenwood Springs, Colo.

DEAR SIR: We would appreciate your assistance in securing dedication of plots shown in accompanying plat as Castle Garden and Box Canon to the city

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of Salida as a public park and playground for the use of Salida citizens and tourists.

Thanking you in advance for your kind efforts in the matter, we are,

Yours, very truly,

J. D. RANDOL,
President Commercial Club.
WM. C. ALEXANDER,
Mayor City of Salida.
D. P. COOK,
Chairman Board County Commissioners.
R. B. MILLER,
Democratic City Chairman.
W. E. CRUTCHER.
F. L. BATEMAN.
THEO. C. BODE.

The city engineer of Salida has submitted a latter that gives a general description of this territory as follows:

SALIDA, COLO., *November 29, 1915.*

Mr. J. D. RANDOL,
President the Salida Commercial Club, Salida, Colo.

DEAR SIR: I herewith present map showing relative locations of the two plots of ground known as Castle Garden and Box Canyon, as it is desirous that the same shall be set aside permanently as public parks.

Castle Garden is located in section 16, township 49 north, range 9 east, of New Mexico principal meridian, and covers practically all of that section, and is about 2 miles distant from the business portion of the city of Salida, Colo.

The entrance to Castle Garden is about one-fourth mile from the main traveled auto road, known as the Rainbow Route, and it will be an easy matter to build a suitable road to this park. The ground in Castle Garden is not suitable for agricultural purposes or grazing or mineral land, and seems to be better adapted for a park than any other purpose.

Box Canyon is situated in the houth half of section 25, township 51 north, range 8 east, and the southeast quarter of section 26, township 51 north, range 8 east, New Mexico principal meridian, and is about 10 miles from Salida, Colo., however the Denver & Rio Grande Railroad passes the mouth of the canyon, and the main traveled auto road to Buena Vista now passes within about 3 miles from the canyon.

This ground is not suitable for agricultural or grazing purposes and so far as known no mineral has been found on it. It is known for its picturesque and rugged scenery, and consequently is more valuable to the public for a park than anything else.

Yours, very truly,

CLYDE H. JAY, *City Engineer.*

The school section referred to is eliminated, so that the remainders of the land sought to be taken by this bill for public park purposes aggregates 480 acres.

The city desires to acquire title to this land for the purpose of preserving it as a scenic spot for a recreation and outing place for the people of that city and county. The present law regarding parks for cities and towns, approved September 30, 1890 (26 Stat., 502), is as follows:

That incorporated cities and towns shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase for cemetery and park purposes not exceeding one quarter section of public lands not reserved for public use, such lands to be within 3 miles of such cities or towns: *Provided*, That when such city or town is situated within a mining district the land proposed to be taken under this act shall be considered as mineral lands, and patent to such land shall not authorize such city or town to extract mineral therefrom; but all such mineral shall be reserved to the United States, and such reservation shall be entered in such patent.

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That law, however, is not applicable to this situation, because the site of the park is more than 3 miles from the city limits, and there is no suitable site within the distance allowed by that law.

The bill recognizes the commendable public demand for cities and towns to select scenic spots for public park purposes, and your committee feels that no higher or better use can be made of a vacant piece of public domain than to allow a city to own and improve it and take a proprietary interest in preserving it as a healthful pleasure resort and an attractive place to hold their picnics and public outdoor gatherings. Therefore your committee respectfully recommend the passage of this bill.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 543.

INCREASE IN NUMBER OF CADETS, UNITED STATES MILITARY ACADEMY.

APRIL 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DENT, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4876.]

The Committee on Military Affairs, to whom was referred Senate bill 4876, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 1, line 7, strike out the word "sixty" and insert the word "eighty," and after the word "large," in line 8, insert a comma and the words "twenty of whom shall have been recommended to the President as honor graduates of an educational institution having an officer of the Regular Army detailed as professor of military science and tactics under existing law, or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated in War Department orders as 'honor schools' upon the determination of its relative standing at the last preceding annual inspection regularly made by the War Department."

Page 1, line 9, strike out the word "sixty" and insert the word "eighty."

Page 1, line 12, between the words "the" and "States," insert the following: "congressional district or of the."

Page 2, line 11, after the word "Guard," insert the words "in as near proportion as possible."

Page 2, line 15, strike out the words "two hundred" and insert the words "one hundred and eighty."

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Amend also by adding the following section, to be known as section 4:

SEC. 4. That hereafter whenever all vacancies in cadetships at the United States Military Academy shall not have been filled as a result of the regular annual entrance examination, the President is hereby authorized to appoint candidates who were found qualified for admission at such entrance examination and for whom no vacancy would exist under present law: *Provided*, That the number of qualified candidates so appointed shall not be in excess of the number of such unfilled vacancies remaining at the time of such appointment: *Provided further*, That cadets admitted under the provisions of this section shall be credited to the United States at large and their admission shall not interfere with nor affect in any manner any appointment authorized under existing law or under any of the provisions of this act. The authorized number of cadetships at the Military Academy is temporarily increased by the number of admissions made in any year under the provisions of this section: *Provided further*, That whenever by the operation of this or any other law the corps of cadets exceeds its authorized maximum strength the admission of candidates as prescribed in this section shall cease until such time as the corps of cadets may be reduced below its authorized strength.

In support of this bill the committee submit the following:

Estimate of cost to make the United States Military Academy able to accommodate 1,200 cadets.

Ordnance and quartermaster equipment	$56,932
Changes in camp grounds	41,000
Changes in academic buildings and additional furniture	42,000
Changes in mess hall and new mess hall furniture	9,663
Changes in barracks	2,000
For temporary construction for cantonment barracks, hospitals, and other temporary structures	108,405
Total	[1] 260,000

There were 141 cadets admitted in 1911 and 82 were graduated; 128 cadets admitted in 1912 and 95 were graduated; 146 cadets admitted in 1913 and 92 were graduated; 146 cadets admitted in 1914 and 106 were graduated; 263 cadets admitted in 1915 and 163 graduated. In 1911, 58 per cent were graduated; 1912, 74 per cent were graduated; 1913, 63 per cent were graduated; 1914, 72 per cent were graduated; 1915, 61 per cent were graduated.

The following are extracts from the report of the Superintendent United States Military Academy, 1915, pages 4 and 5:

* * * There were for the year 706 cadetships authorized and 611 cadets on the rolls, leaving 95 vacancies in the corps on July 1, 1915. This number of vacancies was reduced to 59 by the admission of 36 men on July 1, 1915. * * * The plant to-day can easily handle 700 cadets. * * *

The discharge of 20 cadets on July 9, 1915, for deficiency in studies at the annual examinations in June, 1915, which was delayed this year, brought the number of present cadet vacancies up to 79. * * *

For the March and May entrance examinations this year 683 cadidates were examined. * * * The following table shows the results: * * * Qualified alternates for whom no vacancies exist (including 2 United States at large candidates), * * * 42.

It will thus be seen that, at the beginning of the academic year, July 1, 1915, there were 79 vacant cadetships and 42 candidates who had taken the examination for admission to the United States Military Academy, and had been found qualified for admission thereto, but for whom no vacancies existed, they having been alternates, and their principals having been admitted.

[1] $41,662.70 already estimated for (H. Doc. 482).

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The proposed section 4 would have permitted the President to appoint these 42 qualified alternates as additional cadets at large; the Representatives, the Senators, and the President would still have the nominating of 79 candidates for the 79 vacancies for admission the ensuing years. There were 55 vacancies during the year ending July 1, 1915, which occurred from causes other than those caused by the graduating class, so that had the 42 qualified alternates been admitted, there were more than a sufficient number of vacancies during the year to absorb them.

To summarize: The effect of section No. 4, will be, if enacted into a law:

(*a*) After two or three years to permit the academy to begin each academic year with its full authorized quota. In other words, the plant will be filled to its capacity.

(*b*) To give cadetships to alternates, who qualify at the entrance examination, without charging or crediting them to any State, Territory, or District, but to the United States at large.

(*c*) The last proviso will automatically check the appointment of the alternates as additional cadets at large whenever the appointment of alternates would cause the corps of cadets to exceed its authorized strength.

(*d*) The authorized strength will be attained July 1, each year. Reductions below the authorized strength will occur only by reason of losses during the year, from failures at examinations, resignations, etc.

(*e*) The effect, as a whole, is to increase the authorized number of cadetships each year up to the authorized strength of the corps of cadets; in other words, by the appointment of additional cadets at large not to exceed the number of unfilled vacancies from the States, Territories, Districts, etc., without filling the vacancies.

(*f*) It will immediately increase the number of cadets to be admitted July 1 of this year.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 545.

SALE OF LIGHTHOUSE RESERVATION AT SCITUATE, MASS.

APRIL 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COADY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13419.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13419) authorizing the sale of the lighthouse reservation at Scituate, Mass., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Department of Commerce, as will appear by the letter attached, and which is made a part of this report.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 25, 1916.

MY DEAR CONGRESSMAN: Receipt is acknowledged of your letter of March 22, 1916, inclosing, with request for the views thereon by this department, a copy of House bill 13419, Sixty-fourth Congress, first session, authorizing the sale of the lighthouse reservation at Scituate, Mass.

I have to state that the property described in the bill constitutes a portion of the old Scituate Lighthouse Reservation, and contains thereon an old stone light tower which is connected by a covered way with a keeper's dwelling. The light on the tower has been discontinued, it being now shown from an iron spindle on the outer end of the breakwater. Since the removal of the light to the breakwater the lighthouse reservation, together with improvements thereon, has no longer been required for lighthouse purposes.

The town of Scituate desires to acquire the site for the purpose of incorporating it into its present park system and to preserve and maintain it, including the structures thereon, as an historical landmark.

It is recommended that the word "jurisdiction" in line 12, page 1, of the bill be spelled correctly. As thus modified, I recommend that the bill be passed.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 546.

COAST GUARD STATION NEAR BARATARIA BAY, LA.

APRIL 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 12282.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 12282) to establish a Coast Guard station on the coast of Louisiana in the vicinity of Barataria Bay, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Treasury Department, as will appear by the letter attached and which is made a part of this report.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 1, 1916.

The CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

SIR: I am in receipt of your letter of the 26th ultimo inclosing a copy of bill (H. R. 12282) to establish a Coast Guard station on the coast of Louisiana in the vicinity of Barataria Bay, and requesting the views of the department concerning the bill.

The following is the description of Barataria Bay given in the United States Coast Pilot:

"Barataria Bay is a large, shallow body of water lying 35 miles northwestward of Southwest Pass Lighthouse; its entrance, known as Grand Pass, is marked on its eastern side by Barataria Bay Lighthouse. The bay has a general depth of 4 to 5 feet and is navigated chiefly by fishermen and oystermen. The carrying is done by steamers and luggers of 3 to 4 feet draft, which trade through the bayous and canals connecting the bay with the Mississippi.

"A bar, through which the best water is about 7 feet, extends about 2½ miles off the entrance."

The bar referred to is a shifting one, and the attempt to cross it by strangers is dangerous; and in case of trouble there are only local aids of minor importance and not very efficient.

At Grand Isle is the principal settlement in the bay and there is the only post office. There are several plants for the prosecution of the oyster and shrimp business and facilities for the pursuit of the fishing industry, and the fishermen are liable to more or less frequent disasters to their craft.

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The neighborhood is subject to tropical storms. sometimes of great violence, endangering life and property by tempest and inundation. Vessels of large size passing in the Gulf off the locality have sometimes been wrecked on the bar. The place is isolated from other places of any size and communication with the outside world is difficult and slow. The obtaining of assistance, therefore, in case of disaster is a matter involving a loss of time which may prove fatal.

On the occasion of the stranding of the steamer *Algiers* off the bar in January last, with a crew of 20 men, the first news received of her distress from whence adequate assistance could be sent was brought by the first officer of the vessel, who reached the shore in a rowboat and made his way on foot through mud and mire for 25 miles to Harveys Canal, where he obtained a motorboat for New Orleans. An expedition was undertaken from there for the relief of the stranded vessel.

The nearest Coast Guard station is at Sabine Pass, Tex., nearly 250 miles to the westward, and I am, therefore, of the opinion that the establishment of a Coast Guard station, as provided for in the bill under notice, is needed in the interest of commerce and humanity.

Respectfully,

B. R. NEWTON, *Acting Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 547.

LIFE-SAVING STATIONS ON THE COAST OF GEORGIA.

APRIL 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 6903.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 6903) providing for the establishment of life-saving stations on Tybee Island, coast of Chatham County; on Warsaw Island, coast of Chatham County; on Ossabaw Island, coast of Bryan County; on St. Catherines Island, coast of Liberty County; on Blackbeard Island and on Sapelo Island, coasts of McIntosh County, Ga., having considered the same, report thereon with amendment, and as so amended recommend that it pass.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Georgia in the vicinity of Tybee Island, at such point as the Captain Commandant of the Coast Guard may recommend, and the station shall be manned during the entire year.

Amend the title so as to read:

A bill to to authorize the establishment of a Coast Guard station in the vicinity of Tybee Island, coast of Georgia.

The bill as amended has the approval of the Treasury Department, as will appear by the letter attached and which is made a part of this report.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 24, 1916.

The CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, transmitting bill H. R. 6903, Sixty-fourth Congress, first session, "Providing for the establishment of life-saving stations on Tybee Island, coast of

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Chatham County; on Warsaw Island, coast of Chatham County; on Ossabaw Island, coast of Bryan County; on Saint Catherines Island, coast of Liberty County; on Blackbeard Island and on Sapelo Island, coasts of McIntosh County; Georgia," and asking for the views of the department concerning the bill.

The matter was referred to the Captain Commandant of the Coast Guard for report, which has been received and is herewith transmitted with my concurrence.

Respectfully,

BYRON R. NEWTON,
Acting Secretary.

TREASURY DEPARTMENT,
UNITED STATES COAST GUARD,
Washington, January 24, 1916.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to acknowledge the receipt of your reference, for report, of the letter of the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, transmitting bill H. R. 6903, "Providing for the establishment of life-saving stations on Tybee Island, coast of Chatham County; on Warsaw Island, coast of Chatham County; on Ossabaw Island, coast of Bryan County; on Saint Catherines Island, coast of Liberty County; on Blackbeard Island, and on Sapelo Island, coasts of McIntosh County, Georgia," and asking for the views of the department concerning the bill.

In reply I would state that I have caused an examination to be made of the records of marine disasters which have occurred upon the coast of Georgia, and it has been found that that coast has been remarkably free from casualties to shipping, and that the number of casualties in the past has not been such as would appear to justify the cost of establishing and maintaining a Coast Guard station at any of the places specified in the bill, except at Tybee Island, where the number of casualties that have occurred during the last 20 years exceeds those of all the other places combined. In view of this and the fact that Tybee Island lies at the mouth of the Savannah River, by which all vessels enter and leave Savannah, the principal shipping port of the State, it is believed a Coast Guard station should be established in that vicinity.

In case the committee concludes to report a bill for that purpose, I would recommend that the following be substituted for the bill under consideration:

"A BILL To authorize the establishment of a Coast Guard station in the vicinity of Tybee Island, coast of Georgia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a Coast Guard station on the coast of Georgia in the vicinity of Tybee Island, at such a point as the Captain Commandant of the Coast Guard may recommend, and that the station shall be manned during the entire year."

Respectfully,

E. P. BERTHOLF, *Captain Commandant.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No 548.

REMOVAL OF SCHOONER LEDGE RANGE FRONT LIGHT, PENNSYLVANIA.

APRIL 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COADY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13233.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13233) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of Commerce be, and he is hereby, authorized and directed to grant and convey to Alba B. Johnson and Samuel M. Vauclain all that certain lot or piece or parcel of land granted and conveyed to the United States of America by the president and company of the Philadelphia and Reading Railroad Company by deed dated December twenty-ninth, eighteen hundred and seventy-nine, situated in Tinicum Township, in the county of Delaware and State of Pennsylvania, described according to a recent survey as follows: Beginning at a point in the south side of the entrance gate to the basin (for the storage of canal boats in winter) on the upper side of the mouth of Crum Creek and running thence along the cross bank dividing said basin from the meadow at the mouth of Crum Creek south four degrees west one hundred and fifty-seven feet; thence south thirteen degrees fifty-five minutes east one hundred feet; thence south twenty-six degrees east three hundred and nineteen feet, more or less, to low-water line in the Delaware River; thence by the low-water line of the Delaware River and Crum Creek to the place of beginning, containing five acres, more or less, being part of a certain larger tract or parcel

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of land which the president, managers, and company of the Schuylkill Navigation Company, by a certain indenture dated the twelfth day of July, anno Domini eighteen hundred and seventy, recorded, and so forth, granted and conveyed unto the Philadelphia and Reading Railroad Company, their successors and assigns, together with the free and uninterrupted use, right, liberty, and privilege of passage in and along a certain roadway sixteen feet wide next to the line of Crum Creek and upon the bank extending along and following the course of the said creek from the railroad of the Philadelphia and Wilmington Railroad Company to the herein described premises as now in use; for and in consideration of the said Alba B. Johnson and Samuel M. Vauclain granting and conveying to the United States in fee simple the following described premises and rights of way situated on Crum Creek after its course shall have been changed, in the county of Delaware, State of Pennsylvania, now belonging to them, to wit:

A certain piece or parcel of land whose boundaries shall form a parallelogram containing one acre, more or less, with two hundred feet frontage on the east side of the new course of Crum Creek, Pennsylvania, which frontage shall be intersected by the axis or center line of Chester Range at a point to be approved by the Secretary of Commerce, together with the full and uninerrupted use, right, liberty, and privilege of passage for persons and vehicles over an accessible, direct, and improved right of way sixteen feet wide wholly above high-water mark, from the premises above described to the right of way of the Chester Branch of the Philadelphia and Reading Railroad Company, the said right of way to be used in common and wholly maintained by the said Alba B. Johnson and Samuel M. Vauclain, their heirs, executors, administrators, and assigns, and kept in passable condition at all times, also a suitable and sufficient right of way for beams of light on the Chester Range Line over all the property on said range line between the proposed permanent front and rear lights of Chester Range and to the southward and westward of said front light: *Provided*, That the Attorney General shall first examine the title of said Alba B. Johnson and Samuel M. Vauclain to said premises to be conveyed to the United States as aforesaid and shall furnish his written opinion in favor of the validity thereof: *Provided further*, That the said Alba B. Johnson and Samuel M. Vauclain, within such reasonable time after the passage of this act as may be determined by the Secretary of Commerce, shall deed to the United States the premises herein described to be conveyed by them: *And provided further*, That the conveyance of the herein described lot or parcel of land now owned by the United States of America shall not be made and the title thereto shall not pass to the said Alba B. Johnson and Samuel M. Vauclain until the following shall have been done by said persons without expense to the United States and to the satisfaction of the Secretary of Commerce:

First. Erect a bulkhead of permanent construction on the easterly side of the new course of Crum Creek along the entire frontage of the premises to be conveyed to the United States of America, which shall consist of a timber pile foundation supporting a timber platform and a gravity section concrete retaining wall of the same construction, as approved by the United States Engineer Officer and now being erected on the southwest side of the mouth of Crum Creek.

Second. Fill the entire plot of land to be conveyed to the United States with sand, earth, or other suitable material to an elevation of twelve feet above mean low water.

Third. Dredge a channel from the premises to be conveyed to the United States to the main channel of the Delaware River having a depth of not less than six feet at mean low water.

Fourth. Construct and make available for the purposes of the United States the improved right of way for the passage of persons and vehicles provided for herein: *And provided further*, That the conveyance shall not be made by the United States and title shall not pass from the United States until the permanent tower and dwelling proposed to be built by it on the land to be conveyed to it shall be ready for occupancy nor until all valuable lighthouse property is removed by the United States from the site to be conveyed by it: *And provided further*, That the existing lights now in use shall continue, without interference by said Alba B. Johnson and Samuel M. Vauclain, until the establishment by the United States of permanent lights on Chester Range.

That the said Alba B. Johnson and Samuel M. Vauclain, upon the passage of this act and after the rendition by the Attorney General of his opinion in favor

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of the validity of the title to be conveyed to the United States and the conveyance to the United States of such title, shall have the right to proceed with improvements upon the tract to be conveyed by the United States, except upon such portions as are actually required for lighthouse purposes, under conditions to be prescribed by the Secretary of Commerce.

That all expenses incurred by the United States in making the exchange of property herein authorized, including the cost of such abstracts, official certifications and evidences of title as the Attorney General may deem necessary, and all expenses incurred in removing such lighthouse property on the present site as may be advantageous to the interests of the Government, shall be payable from the appropriation, General expenses, Lighthouse Service, for the fiscal years in which such expenses are incurred.

The bill as amended has the approval of the Department of Commerce, as will appear by the letter attached and which is made a part of this report.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 18, 1916.

MY DEAR CONGRESSMAN: Referring to your letter of March 16, 1916, requesting the views of this department on House bill No. 13233 of the present session of Congress, "Authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange," you are respectfully informed that the matter is being investigated and that you will be further advised in regard thereto at an early date.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

Hon. WM. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 25, 1916.

MY DEAR JUDGE ADAMSON: Referring again to your letter of March 16, 1916, requesting the views of this department on House bill No. 13233 of the present session of Congress, authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., etc., I have to advise you that, after carefully considering the matter, this department is of the opinion that the bill should be amended in the interests of the Lighthouse Service, and a draft of bill to supersede the bill inclosed with your letter is transmitted herewith, with recommendation that the bill, as modified, be passed.

I wonder whether you will not think, as I am inclined to do upon considering the facts which lie behind this measure, that it should not be made a portion of a general bill to be introduced later, but should be treated as promptly as possible on its separate merits. The reason for this suggestion is that there are facts in this case which seem to me to indicate that this small measure, with which no one disagrees, should go through irrespective of whether a larger measure were delayed or not. It would be too late, I imagine, after the larger bill were introduced, to get the small one through, whereas if the smaller one were introduced first it would have a double chance of passage, both by itself and in connection with the larger one.

The facts are that this exchange of property is quite as important to the interests of the Government as it is to the private interests concerned, and time is of the essence of the contract. The private parties concerned are investing large sums in improvements which are necessarily delayed till this exchange can be made, and the Government interests require that if possible the exchange shall be carried on so that it shall be completed and the new house erected upon the new site before the winter.

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I defer to your judgment, merely placing the facts before you for such action as you think best. I always feel in a matter of this kind where private parties have treated the Government with entire fairness that we should treat them in such a way as to secure action with the least possible risk of delay and the expense and annoyance to them which such delay necessarily causes.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Hon. WILLIAM C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 549.

PUBLIC-LAND SETTLERS IN NEW MEXICO, ARIZONA, UTAH, COLORADO, NEVADA, AND WYOMING.

APRIL 14, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GANDY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 6430.]

The House Committee on the Public Lands, to whom was referred the bill (H. R. 6430) to extend the time within which certain public-land settlers in New Mexico, Arizona, Utah, Colorado, Nevada, and Wyoming, their heirs, grantors, or lawful successors in title or possession, may assert their claims to said land, having had the bill under consideration, recommends the passage of the bill with the following amendment:

In line 6, after the word "and," strike out the word "fifteen" and insert the word "seventeen."

In explanation of this bill it may be said that the public lands within the area covered by the Mexican cessions to this country are on a different basis than public lands anywhere else in this Nation. Article 8 of the treaty of Guadaloupe-Hidalgo, being the "treaty of peace, friendship, limits, and settlement," between the United States of America and the United Mexican States, concluded February 7, 1848, and proclaimed on July 4, 1848, provides as follows:

ART. 8. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of

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Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories property of every kind now belonging to the Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

Article 5 of the "treaty of boundary, cession of territory, etc." (Gadsden treaty), concluded December 30, 1853, and proclaimed June 30, 1854, between the United States of America and the Republic of Mexico, provided as follows:

All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe-Hidalgo shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and as effectually as if the said articles were herein again recited and set forth.

The titles to land in the territory ceded by Mexico rested upon Spanish and Mexican grants. On July 22, 1854 (10 Stat. L., 309), a method was provided for the investigation of such grants looking to the confirmation of bona fide grants by act of Congress. Less than 100 grants were finally settled under that law in nearly 37 years, and the act of March 3, 1891 (26 Stat. L., 854), established a court of private-land claims to provide for the settlement of private-land claims in that territory. Sections 17 and 18 of that act had to do with small holdings, and are as follows:

SEC. 17. That in case of townships heretofore surveyed in the Territories of New Mexico, Arizona, and Utah, and the States of Colorado, Nevada, and Wyoming, all persons who, or whose ancestors, grantors, or their lawful successors in title or possessions, became citizens of the United States by reason of the treaty of Guadalupe-Hidalgo, and who have been in the actual continuous adverse possession and residence thereon of tracts of not to exceed 160 acres each, for 20 years next preceding such survey, shall be entitled, upon making proof of such facts to the satisfaction of the register and receiver of the proper land district, and of the Commissioner of the General Land Office upon such investigation as is provided for in section 16 of this act, to enter without payment of purchase money, fees, or commissions, such legal subdivisions, not exceeding 160 acres, as shall include their said possessions: *Provided, however*, That no person shall be entitled to enter more than one such tract, in his own right, under the provisions of this section.

SEC. 18. That all claims arising under either of the two next preceding sections of this act shall be filed with the surveyor general of the proper State or Territory within two years next after the passage of this act, and no claim not so filed shall be valid.

And the class of cases provided for in said two next preceding sections shall not be considered or adjudicated by the court created by this act, and no tract of such land shall be subject to entry under the land laws of the United States.

The time granted in section 18 for the asserting of these small holders' rights has been extended on several occasions and it is now proposed to further extend it. There are perhaps a few persons who either through inadvertence, ignorance of the law, negligence, or some other cause have failed to present their proofs before the proper officer designated to take such proof, and it is in behalf of such persons that this bill is recommended. No expenses whatever will be incurred by the passage of the bill, for these claims are adjudicated upon proof submitted and paid for by the claimant by officials of local land offices and by the Commissioner of the General Land Office.

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There is appended hereto letter from the honorable Secretary of the Interior regarding this bill:

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your letter of January 8, 1916, inclosing for the views of this department H. R. 6430, Sixty-fourth Congress, first session, proposing to amend section 18 of the act of March 3, 1891 (26 Stat., 854), as amended and extended by supplemental legislation.

Sections 16, 17, and 18 of the said act of March 3, 1891, provided for the recognition and filing of a class of claims known as small-holding claims, based on 20 years' possession prior to the survey of the township in which located. Section 18 of said act and its extensions allowed these claimants from March 3, 1891, to March 4, 1901, a period of 10 years within which to file their claims with the surveyor general. The act of February 26, 1909 (35 Stat., 655) further extended the time for filing such claims until March 4, 1910, since which time no such claims could be validly filed.

The bill under consideration proposes to extend the time for filing such claims to March 4, 1917, such bill being otherwise identical in terms with the said act of February 26, 1909. It is noted, however, that the word "fifteen," being the third word in line 6, page 2, of the bill, should be "seventeen."

I have no objection to the enactment into law of the bill in question.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 551.

RADIO EQUIPMENT FOR SEAGOING VESSELS OF THE DEPARTMENT OF COMMERCE.

APRIL 15, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COADY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14340.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14340) to furnish all seagoing vessels in the Lighthouse Service and all other seagoing vessels of the Department of Commerce with radio equipment and auxiliary power for the operation thereof, having considered the same, report thereon with a recommendation that it pass.

This bill has the approval of the Department of Commerce, as may be seen by reference to pages 30 to 35 of the hearings had before your committee on April 1, 1916, with reference to lighthouse matters, and was introduced because of the recommendations made at that time by the Secretary of Commerce and the Commissioner of Lighthouses. The department furnishes the following information:

The vessels requiring equipment are as follows: Lighthouse vessels, 18; Coast and Geodetic Survey vessels, 2; Fisheries vessels, 2; Bureau of Navigation vessels, 1. As near as I have been able to ascertain, the approximate cost of each would be $3,000.

This would include the auxiliary power required on vessels not already equipped with electrical power.

[H. R. 1434, Sixty-fourth Congress, first session.]

A BILL To furnish all seagoing vessels in the Lighthouse Service and all other seagoing vessels of the Department of Commerce with radio equipment and auxiliary power for the operation thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized and directed to furnish all seagoing vessels in the Lighthouse Service and all other seagoing vessels of the Department of Commerce with radio equipment and auxiliary power for the operation thereof. The sum of $80,000, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this provision into effect.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 552.

AIDS TO NAVIGATION, LIGHTHOUSE SERVICE.

APRIL 15, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COADY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14338.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14338) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Department of Commerce, as will appear by the letters attached and which are made a part of this report.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 29, 1916.

MY DEAR JUDGE: Referring to your letter dated March 28, 1916, requesting all recommendations of this department, both for projects and for legislation on behalf of the Lighthouse Service, I take pleasure in furnishing you the following information:

"Light-keepers' dwellings and appurtenant structures, including sites therefor, within the limit of cost fixed by the act approved February 26, 1907 (Thirty-fourth Statutes, page nine hundred and ninety-six), $75,000."

The appropriations made March 4, 1907 (34 Stat., 1319), and May 27, 1908 (35 Stat., 334), of $75,000 each, are now exhausted, but dwellings at a number of stations are yet needed, among which may be stated Amelia Island, Fla.; Ano Nuevo Island, Cal.; Buffalo Breakwater, N. Y.; Charlotte, N. Y.; Dry Tortugas, Fla.; Frankfort, Mich.; Oswego Breakwater, N. Y.; Piedras Blances, Cal.; Point Hueneme, Cal.; Point Montara, Cal.; Point Sur, Cal.; Port San Juan, P. I.; Sand Island, Ala.; Tawas, Mich.; Toledo Harbor, Ohio; Two Harbors, Minn.; Ludington Breakwater, Mich.; Poverty Island, Mich.

Detailed estimate.

16 dwellings, at $4,500	$72,000
Contingencies	3,000
Total	75,000

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This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 28 (Book of Estimates, 1917, p. 761), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service:

"Constructing and equipping light vessels for general service on the Great Lakes, or for general service, $150,000."

Light vessels *No. 55*, *No. 56*, *No. 57*, *No. 60*, *No. 61*, and *No. 62*, now stationed on the Great Lakes, are all old, built of wood, and are rapidly deteriorating. Light vessel *No. 59* was, during the summer of 1914, condemned as unseaworthy, and was removed from her station at Poe Reef, southern entrance to Straits of Mackinac, Mich. Of the others, light vessels *No. 61* and *No. 62* are in especially bad condition, and can not be depended upon for service in the stormy fall season. It is proposed to construct two or more vessels, similar in type to those recently built for lake service, of steel, and fitted with modern light and fog-signal apparatus.

This item is included in the estimates for the Lighthouse Service for 1917, group 1, item No. 20 (Book of Estimates, 1917, p. 755), among works urgently necessary for the safety of navigation:

"Constructing and equipping a lighthouse depot for the second lighthouse district, $85,000."

The present depot of the second district for Boston Harbor and vicinity is on Lovells Island, and is there through the courtesy of the War Department only. It is not adapted or situated for a depot where the work can be carried on expeditiously. The tender can not lie there nights on account of being exposed to the weather, and passing steamers make such a swash that the tender's lines are parted. The tide has been known to cover the floor of the storehouse to a depth of 1 foot. The buildings, with the exception of the oil house, are wooden, and in poor condition of repair. The wharf is also in poor condition of repair. The Treasury Department has orders to transfer a piece of the old marine hospital property in Chelsea to the Lighthouse Service at the expiration of the present lease, which takes place December 31, 1916. This property by dredging will have three berths for vessels, ample storage room for buoys, and with a brick fireproof storehouse would make a first-class depot.

Detailed estimate.

Wharf	$10,755
Sea wall	11,732
Oil house	1,500
Service building	34,554
Depot keeper's dwelling	6,228
Storehouse	2,644
Machine and blacksmith shop	2,163
Buoy skid and chain platform	1,090
Dredging	6,000
Removing present structure from grounds	600
Excavating and laying water pipes	480
Boundary fence	1,395
Contingencies	5,859
Total	85,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 21 (Book of Estimates, 1917, p. 755), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Constructing or purchasing and equipping a lighthouse tender to replace tenders worn out in service in the third lighthouse district, or in the Lighthouse Service generally, $150,000."

There are three tenders in the third district that are old and of obsolete types, and should be replaced as soon as practicable by modern, efficient vessels. These are the *Gardenia*, *John Rodgers*, and *Mistletoe*. All of these tenders to be kept in commission require repairs that are not warranted by their age and the service obtained from them. At least one new tender for this district is an urgent present need.

This item is included in the estimates for the Lighthouse Service for 1917, group 1, item No. 18 (Book of Estimates, 1917, p. 755), among items urgently necessary for the safety of navigation.

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"Improvement of the offices and laboratory at the general lighthouse depot at Tompkinsville, Staten Island, New York, $21,000."

The present office quarters and laboratory at the general depot, Tompkinsville, N. Y., are located in four detached buildings, giving rise to delay and confusion in the orderly handling of work, as well as causing unnecessary expense of heating and other maintenance items. It is proposed to construct an addition which will join three of the present buildings and make it possible to use the space so gained for the improvement of the laboratory, which is now located in the fourth building. This building is poorly adapted for laboratory purposes, but can be put to good use as a storehouse, which is also needed on account of the growth of the service.

Detailed estimate.

Altering old buildings	$4,500
Foundation	1,500
Walls, rough floors, and roof	8,000
Interior finish, etc	5,000
Contingencies	2,000
Total	21,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 23 (Book of Estimates, 1917, p. 758), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Improving the aids to navigation on the East River, New York, $16,000."

Improvements and changes in system of lights in East River, N. Y., in vicinity of Hell Gate are very much needed for the present system is inefficient, as well as difficult to maintain, especially during the winter with running ice in the river. An appropriation for improving and changing these aids, building new foundations, and establishing acetylene lights in place of present oil lights at Mill Rock Northerly Light, Lawrence Point Ledge Light, Sunken Meadow Light, South Brother Island Ledge Light, and Rikers Island Light is recommended. Oak Bluff Light, which is at present of very little service on account of many shore lights now in the vicinity, can be discontinued.

Detailed estimate.

Foundations	$9,000
Steel towers and tank houses	1,000
Gas tanks and lighting apparatus	6,000
Total	16,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 32 (Book of Estimates, 1917, p. 763), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Constructing and equipping a light vessel for station off Cape Charles, Virginia, or for general service, $130,000."

The light vessel now on Cape Charles station, which was built in 1890 and is of only 470 gross tonnage, and not self-propelling, breaks adrift from her moorings on frequent occasions, and on December 5, 1914, narrowly escaped destruction. The loss of moorings alone in the past year has amounted to over $3,500. Owing to the exposed station and the importance of this aid to navigation, a first-class, self-propelling light vessel is required. Moreover, of the 66 light vessels in the service a number are more than 50 years old. To relieve these vessels for necsesary repairs and overhauling and to place the older ships on less exposed stations it is necessary that new vessels be added to the fleet.

This item is included in the estimates for the Lighthouse Service for 1917, group 1, item No. 19 (Book of Estimates, 1917, p. 755), among works urgently necessary for the safety of navigation.

"Improving lights and fog signals leading to Cape Charles City, Virginia, $12,800."

Harbor improvements at this point in recent years have rendered Cherrystone Light and Fog Signal of little use in the present location. A new light and fog bell should be established close to turn in dredged channel and range lights should be established for dredged channel. It is proposed to establish acetylene gas lights and electrically operated fog-bell strikers. The illuminating

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apparatus on existing aids in this harbor should be improved by the installation of acetylene gas instead of present oil lights.

Detailed estimate.

New concrete structure for light and fog bell	$2,500
Illuminating apparatus	1,500
Fog-bell striker and electric cable	2,820
Structural steel tower and foundation	1,000
Apparatus for 3 acetylene range lights	3,180
Apparatus for 2 minor lights in vicinity	800
Contingencies	1,000
Total	12,800

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 34 (Book of Estimates, 1917, p. 764) among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Improving aids to navigation and establishing new aids on the eastern shore of Chesapeake Bay and tributaries, Maryand and Virginia, $29,000."

The eastern shore of Chesapeake Bay presents an intricate system of waterways which are inadequately lighted. The deep channels are narrow and crooked, and the wide flats are covered by only a few feet of water. The interests of a large part of the population of this country are maritime, large numbers of passengers are carried on regular lines of steamers to many ports, great quantities of truck and other produce move by water to Baltimore, and the fish, crab, and oyster industries are very important. The following items are considered necessary to provide an adequate system of lighted aids for these waters:

Detailed estimate.

20 structures for minor lights	$6,000
15 acetylene equipments	6,000
5 oil equipments	300
5 structures, unlighted beacons	1,500
12 gas buoys and moorings	14,400
Contingencies	800
Total	29,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 35 (Book of estimates, 1917, p. 764), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Removal and rebuilding on another site of the light station and dwelling at or near Point Borinquen, P. R., $85,000."

The present Point Borinquen Lighthouse is improperly located at the foot of a bluff 230 feet high, which obscures the light in the northeasterly direction. To the southward, plantations of high trees obscure the light in its most desirable direction, the harbor of Aguadilla. The present tower is in bad state of repair, the top part being considered unsafe and the foundation insecure. At the present time the light is inadequate, and with the opening of the Panama Canal it is quite insufficient, as it has now become a most important landfall light. In addition to the light and in connection with it, it is proposed to install a wireless station, which will send automatically the wireless name of the station, which will give vessels an opportunity to locate their positions when distant from the shore.

Detailed estimate.

Tower, including site	$30,000
Dwelling for 3 keepers	20,000
Illuminating apparatus	7,000
Power house and wireless outfit	4,500
Outbuildings, piping, etc	8,000
Roads and grounds	7,000
Contingencies	8,500
Total	85,000

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This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 27 (Book of Estimates, 1917, p. 760), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Aids to navigation at Huron Harbor, Ohio, $4,500."

The act of June 17, 1910, authorized the establishment of range lights at Huron Harbor, at a cost not to exceed $3,800, but no appropriation for the object has been made. The erection of a rear range light to serve with the present Huron Light will accomplish the desired object, but provision should also be made for a fog bell at the front light. The commerce of Huron Harbor is important, consisting principally of ore and fish incoming and coal outgoing. Over 300 vessels, with a registered tonnage of over 640,000, enter the harbor annually, with a cargo valuation of approximately $3,000,000.

Detailed estimate.

Tower	$1,500
Illuminating apparatus	1,800
Fog-signal apparatus	1,200
Total	4,500

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 24 (Book of Estimates, 1917, p. 758), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Improving the aids to navigation at Fairport Harbor, Ohio, $42,000."

The completion of the west breakwater pierhead necessitates a rearrangement of the aids to navigation at this harbor. It is proposed to discontinue the present main light on the bluff and to construct the new light with a fog signal on the pierhead. The west breakwater and pierhead have been completed, and on the east side the breakwater has been built up to the water line throughout its length and the pierhead crib has been placed. The annual number of vessels entering and departing is about 1,300, representing a total registered tonnage of approximately 3,000,000.

Detailed estimate.

Structure	$24,000
Illuminating apparatus	6,500
Fog-signal apparatus	8,000
Boats, piping, etc	3,500
Total	42,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 29 (Book of Estimates, 1917, p. 761), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Improvements at Detroit, Michigan, lighthouse depot, $53,000."

The following improvements are needed:

Oil house.—The arrangements for storage of oil at this depot are very inadequate and unsatisfactory, and oil is stored in one wing of the basement of the main storehouse. The capacity is, however, insufficient, making it necessary to store large quantities of oil in the depot yard, exposed to possible damage or total destruction by fire, owing to the proximity of a varnish works. Furthermore, the handling of oil would be greatly facilitated, as the new structure could be so located as to handle the oil directly from the cars.

Addition to lamp shop.—The present lamp shop is greatly overcrowded, owing to the increasing number of lighted buoys and other aids in the district, necessitating a greater and increasing quantity of parts returned for repair. Spare parts can not be accommodated but must be stored in the main storehouse, inconveniently located for the work. It is necessary to do a great deal of blacksmith repair work to moorings of buoys, etc., at the depot during the closed season of navigation, and this work must now be done in the open part of the buoy shed under very severe weather conditions during the winter or at times delayed until the severe storms are over.

Storehouse for cement and lime.—Owing to the large amount of construction and repair work necessary in this district, a considerable quantity of cement and

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lime must be kept on hand. A small building for this storage should be provided.

Reconstruction of wharf.—The wharf here has undergone for many years only such repair as necessary to render it serviceable. It is an old wooden structure on cast-iron columns standing on piles cut off about a foot below water level. It should be rebuilt and extended out to the pier line to give additional capacity.

Detailed estimate.

Oil house	$4,000
Addition to lamp shop	5,000
Cement and lime storage	2,000
Reconstruction of wharf	38,000
Contingencies	4,000
Total	53,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 22 (Book of Estimates, 1917, p. 757), among works considered essential for the efficient equipment of the Lighthouse Service.

"Light station and fog signal at or near Sand Hills, Michigan, $75,000."

A light and fog-signal station at Sand Hills, about 4 miles west of Eagle River, Keweenaw Peninsula, Lake Superior, would be of great service to vessels bound east from the western portion of Lake Superior in warning vessels from the dangerous reefs off the coast. It is reported that 10 vessels stranded on these reefs in recent years, with known losses of over $1,000,000.

Detailed estimate.

Tower	$30,000
Fog signal	12,000
Quarters for 3 keepers	15,000
Outbuildings, dock, boat, etc	10,000
Contingencies	8,000
Total	75,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 30 (Book of Estimates, 1917, p. 762), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Improving aids to navigation and establishing new aids at or near the entrance to Keweenaw Waterway Harbor of Refuge, Portage River, Michigan, $110,000."

The improvements by the War Department are now in progress and will probably be carried through to completion at an early date. Steps should be taken as soon as possible by the Lighthouse Service looking to the proper lighting of the entrance under the new conditions. It is recommended that a light and fog signal be erected on a separate foundation on the outer end of the breakwater, and that six nonattended lights be established to mark the harbor, and, as the work will necessitate changes at the locality, that present range lights Nos. 1 and 2 be rebuilt and provided with gas appliances. The Portage River (Main) Light may be discontinued on the completion of this project and the dwelling retained as shore station for one keeper.

Detailed estimate.

Foundation and concrete base for tower	$43,000
Superstructure	24,000
Illuminating and fog-signal apparatus	9,000
Establishing 6 minor lights	24,000
Rebuilding lights Nos. 1 and 2	6,000
Contingencies	4,000
Total	110,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 33 (Book of Estimates, 1917, p. 763), among works considered

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essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Improving the light and fog-signal station at Manitowoc, Wisconsin, $21,000."

The present frame building, with corrugated-iron covering, with very small wooden lantern (not large enough to admit a man), stands on the outer end of the north breakwater, which is of stone-filled timber construction. The building is old and in poor condition. The timber sills supporting the building are badly rotted. The other timber work is deteriorating. Covering plates are rusting and breaking away at bottom. Cement floor is cracked and the building itself is shaky, due to movement and settlement of pier and to the fact that the building has been moved twice. It is liable to destruction in its exposed position and should be replaced at an early date with a steel building on a concrete base. It is proposed to install electric-driven air compressor, obtaining current from the city, with oil-engine reserve drive, and to provide a brighter light.

Detailed estimate.

New fog-signal building, with lantern	$8,500
Fog-signal apparatus	6,500
Illuminating apparatus	4,100
Contingencies	1,900
Total	21,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 31 (Book of Estimates, 1917, p. 763), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Removing and rebuilding Chicago Harbor Light Station, Illinois, and establishing lights on the new breakwater in Chicago Harbor, $142,000."

The present Chicago Harbor Light Station is built on an isolated pier at the southeast end of the existing outer breakwater. The United States engineers are planning the construction of two new breakwaters with a gap between, running south from the existing breakwater, and expect to have the first section of this project completed by December, 1916. This will necessitate the moving of the present Chicago Harbor Light from its present position to the proposed entrance of the outer harbor of Chicago, Ill. It is recommended that a new pier be built just inside the outer end of the breakwater 65 by 65 feet and the present cast-iron tower structure, lanterns, lens, fog-signal boilers, and machinery be taken down and rebuilt in new position; also a new steel fog-signal building, boathouse, and storeroom and power derrick be erected. The light in the new location ought to be put into commission as soon as practicable after the completion of the extension to the breakwater. There will also be needed two acetylene beacons, one at the north end and the other at the south end of the extension of breakwater south of the entrance gap through the breakwater.

Detailed estimate.

Steel caisson	$15,519
Water-tight plank deck floor to float caisson	3,042
Piling	6,379
Pumping out silt bottom	1,700
Concrete fill	60,000
Concrete pier	13,200
Taking down and rebuilding tower, lantern, lens	5,000
Fog-signal building	10,000
Storehouse and boathouse	5,000
Derrick	1,000
Fog-signal apparatus	1,200
Outer breakwater south light	3,530
Outer breakwater north light	3,530
Contingencies	12,900
Total	142,000

This item accompanied the estimates for the Lighthouse Service for 1917, group 3, item No. 56 (Book of Estimates, 1917, p. 774), being included among works considered essential for the needs of navigation, etc.

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"Establishing and improving aids to navigation at Indiana Harbor, Indiana, $100,000."

The War Department, through the Corps of Engineers, United States Army, is now constructing breakwaters at Indiana Harbor, Ind., and the Chief of Engineers, in a letter dated February 5, 1916, transmitted the views of his office in reference to aids to navigation which should be provided at this place, which is of commercial importance on account of the plants of large steel companies. It is recommended that a lighthouse and fog signal, with a crib foundation built into and forming a part of the breakwater on which it is placed, be established on the axis of the breakwater at the east end of the north arm, and a smaller light, on a concrete pedestal, be erected at the north end of the east arm. It is proposed to provide incandescent oil vapor for the main light, with a compressed-air fog signal, and acetylene illumination for the minor light.

Detailed estimate.

Foundation crib	$20,000
Concrete superstructure	30,500
Steel tower, fog signal, and quarters for 3 keepers, combined in 1 structure	22,000
Fog-signal apparatus in duplicate	8,500
Illuminating apparatus	5,200
Power derrick, boats, and outfit	2,800
Foundation for minor light	1,600
Illuminating apparatus for minor light	1,200
Contingencies	8,200
Total	100,000

"Aids to navigation and improvement of existing aids in Alaska, $60,000."

The appropriation of $60,000 made by the act of August 1, 1914, will be practically exhausted when the construction of aids already authorized has been completed. Maritime interests are urging the establishment of additional aids to assist the mariner in Alaskan waters, where navigation is unusually difficult and dangerous and where wrecks and costly accidents to vessels are of frequent occurrence. The commerce of the district is increasing in volume, owing in part to the opening of the Panama Canal and the inauguration of construction work on the Government railroad, and new routes of navigation are being opened up. Additional fog signals are needed on the principal channels of southeastern Alaska, and additional unwatched lights should be installed as soon as possible on the main route from Ketchikan to Skagway, in Icy Straits, in Peril Strait, and Sitka Sound, on the west coast of Prince of Wales Island, in Prince William Sound, and on the coast between Resurrection Bay and Cook Inlet.

Detailed estimate.

17 lights	$26,400
3 gas buoys	9,600
2 fog-signal installations	24,000
Total	60,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 36 (Book of Estimates, 1917, p. 764), among works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service.

"Constructing and equipping a temporary lighthouse depot at Honolulu, Territory of Hawaii, pending the establishment of a permanent depot, $5,000; and authority is hereby granted to erect such temporary depot on land to be leased."

On account of the dilapidated condition of the territorial building on the Channel Wharf, now occupied as a temporary depot, and the uncertain tenure of this building as a depot, efforts have been made to rent an adequate storehouse, but it was impracticable to secure a single building for this purpose. Should the Territory request the Channel Wharf vacated, the Lighthouse Service in the Hawaiian Islands would be deprived of all depot facilities. It is therefore recommended that appropriation for the erection of a temporary storehouse be made at the earliest possible date, to provide for the needs of the service until a permanent depot can be established, for which a separate appropriation has been asked.

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Detailed estimate.

General storehouse, with proper shelving	$5,000

This item is included in the estimates for the Lighthouse Service for 1917, group 2, item No. 25 (Book of Estimates, 1917, p. 758), among items considered essential for the efficient equipment of the Lighthouse Service.

"Construction and equipment of a lighthouse depot for the nineteenth lighthouse district, $90,000."

The greatest need in this district is an adequate lighthouse depot. At present the stores are kept in two small overcrowded, leaky storerooms on the Channel Wharf, Honolulu, where they are in danger of fire on account of proximity to fishing sampans, which are careless in the handling of gasoline. The heavy stores are kept in a large room adjoining the storage rooms occupied as a depot on Channel Wharf, lately vacated by the Territory because of the condemnation of the wharf. Some of the buoys are kept on Channel Wharf and some on Naval Wharf No. 1. The heavier buoys can not be kept on the Channel Wharf on account of its dilapidated condition, and when placed on the Naval Dock are exposed to the weather, and are frequently covered with coal when warships are coaling. In assembling materials for any construction work it has been the custom to collect them at the Channel Wharf, and if there is any considerable amount that wharf becomes filled up, necessitating the removal of the material on account of inconvenience to other users. Hence the lack of a depot results in much inefficiency in collecting materials as well as inconvenience and annoyance. The fact that the temporary wharf and storehouse are in a bad state of repair, having been condemned about a year ago, makes the situation very uncertain and unsatisfactory. Application for the transfer of Naval Wharf No. 3 and of a piece of land (1.2 acres) contiguous to this wharf has been made to the Navy Department. It is proposed to erect adequate buildings and improvements on this site for lighthouse depot purposes.

Detailed estimate.

Repairs and enlargement of wharf	$30,000
General storehouse	28,000
Repair-plant equipment	10,000
Carbide and oil house	2,000
Office building	10,000
Improvement of grounds, including walks, fences, etc	2,000
Contingencies	8,000
Total	90,000

This item is included in the estimates for the Lighthouse Service for 1817, group 2, item No. 26 (Book of Estimates, 1917, p. 759), among items considered essential for the efficient equipment of the Lighthouse Service.

"Hereafter the Secretary of Commerce is authorized, whenever he shall deem it advisable, to exchange any right of way of the United States in connection with lands pertaining to the Lighthouse Service for such other right of way as may be advantageous to the service, under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses are incurred by the United States in making such exchange the same shall be payable from the appropriation 'General expenses, Lighthouse Service,' for the fiscal year during which such exchange shall be effected."

Regarding the proposed legislation for exchange of rights of way, it is desirable from time to time for the best interests of the Lighthouse Service to exchange existing rights of way over land leading to lighthouse reservations for more direct or suitable rights of way; but there is no existing law authorizing such exchanges, which it is now recommended that Congress grant in the authority requested above.

This item is included in the estimates for the Lighthouse Service for 1917 (Book of Estimates, 1917, p. 989).

"Hereafter post-lantern lights and other aids to navigation may be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriations for the Lighthouse Service on the Mobile, Tombigee, Warrior, and Black Warrior Rivers, Alabama."

The lighting of rivers or inland waters is limited to those specifically authorized by Congress, and such authority has not been granted for the waters

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herein specified. These rivers, named in the proposed bill, have been extensively improved by the building of locks under the War Department and an increasing commerce, principally of barges carrying coal, has been developed. Maritime interests in these localities have urged the establishment of aids, and investigation by the Lighthouse Service has shown that such action is warranted.

This item is included in the estimates for the Lighthouse Service for 1917 (Book of Estimates, 1917, p. 989).

"Hereafter the appropriation 'General expenses, Lighthouse Service,' shall be available for the purchase, equipment, repair, and operation of motor-propelled vehicles for transporting persons or freight for use solely in connection with the official work of the service in the Hawaiian Islands."

Authority is also requested that the appropriation "General expenses, Lighthouse Service," be made available for the purchase, equipment, repair, and operation of motor-propelled vehicles for transporting persons or freight for use solely in connection with the official work of the service in the Hawaiian Islands. On account of the prohibition contained in the act of August 1, 1914 (38 Stat., 508), there is no appropriation available for this purpose. Except in the vicinity of Honolulu, travel in those islands is almost exclusively by automobile, and on account of the long distances the expense is very high. It is desired to purchase a motorcycle for the use of foreman and other employees in connection with construction and repair work of the service, which will effect a material saving in transportation expense and in the time of the employees.

This item is included in the estimates for the Lighthouse Service for 1917 (Book of Estimates 1917, p. 989).

"Hereafter light keepers and assistant light keepers of the Lighthouse Service shall be entitled to medical relief without charge at hospitals and other stations of the Public Health Service under the rules and regulations governing the care of seamen of the merchant marine: *Provided*, That this benefit shall not apply to any keeper or assistant keeper who receives an original appointment after the passage of this act, unless the applicant passes a physical examination in accordance with rules approved by the Secretary of Commerce and the Secretary of the Treasury."

The employees in question are mostly employed at isolated places, and in many cases their compensation is such as to make it a hardship for them to bear the expense of illness or injury. There is already provision for the care and treatment by the Public Health Service of officers and crews of vessels of the Lighthouse Service, without charge, and it is considered just that the other employees named herein be given the same benefits. The proposed legislation has the approval of the Secretary of the Treasury, as shown by the following quoted letter:

SEPTEMBER 1, 1915.

The honorable the SECRETARY OF COMMERCE,
Washington, D. C.

SIR: Referring to the Commerce Department's letters of August 9 and 24, 1915, relative to extending, by legislation, the benefits of the Public Health Service to light keepers and certain other employees of the Lighthouse Service, I have to state that there is no objection to legislation to that effect being submitted to Congress for action, the same to read as follows:

"Hereafter light keepers and assistant light keepers of the Lighthouse Service shall be entitled to medical relief, without charge, at hospitals and other stations of the Public Health Service, under the rules and regulations governing the care of seamen of the merchant marine: *Provided further*, That this benefit shall not apply to any keeper or assistant keeper who receives an original appointment after the passage of this act, unless the applicant passed a physical examination at the time of his appointment in accordance with rules approved by the Secretary of Commerce and the Secretary of the Treasury."

Respectfully,

(Signed) W. G. MCADOO, *Secretary.*

This item is included in the estimates for the Lighthouse Service for 1917 (Book of Estimates, 1917, p. 989):

"Hereafter the annual salaries of lighthouse inspectors, excepting the inspector of the third lighthouse district, shall not exceed $3,000 each."

The salaries of lighthouse inspectors are, by the act of June 17, 1910, limited to $2,400 a year, except the inspector of the third district, whose salary is

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fixed at $3,600. The salary of $2,400 is inadequate, because of the heavy responsibilities with which the inspectors are charged and the technical and business ability required to successfully discharge the duties. The compensation of these positions should be sufficient to bring into and retain in the Lighthouse Service a class of persons fully competent to efficiently conduct such important work. The inspectors should be men of high character and qualifications, including technical knowledge as to engineering and nautical affairs, and business ability. The salaries of lighthouse inspectors are materially less than those of various other officers of the Government whose requirements and responsibilities are not considered to be any greater.

This item is included in the estimates for the Lighthouse Service for 1917 (Book of Estimates, 1917, p. 999):

"Exchange of land now occupied by the Schooner Ledge Range Front Light Station at the mouth of Crum Creek, Pennsylvania."

It is recommended that the following legislation as to the above item be enacted, attention being invited in this connection to my letter, dated March 25, 1916, addressed to you, reporting on House bill 13233, Sixty-fourth Congress, first session, on this subject:

"That the Secretary of Commerce is hereby authorized and directed to grant and convey to Alba B. Johnson and Samuel M. Vauclain all that certain lot or piece or parcel of land granted and conveyed to the United States of America by the president and company of the Philadelphia and Reading Railroad Company by deed dated December twenty-ninth, eighteen hundred and seventy-nine, situated in Tinicum Township, in the county of Delaware, and State of Pennsylvania, described according to a recent survey as follows: Beginning at a point in the south side of the entrance gate to the basin (for the storage of canal boats in winter) on the upper side of the mouth of Crum Creek and running thence along the cross bank dividing said basin from the meadow at the mouth of Crum Creek south four degrees west one hundred and fifty-seven feet; thence south thirteen degrees fifty-five minutes east one hundred feet; thence south twenty-six degrees east three hundred and nineteen feet, more or less, to low-water line in the Delaware River; thence by the low-water line of the Delaware River and Crum Creek to the place of beginning, containing five acres, more or less, being part of a certain larger tract or parcel of land which the 'president, managers, and company of the Schuylkill Navigation Company,' by a certain indenture dated the twelfth day of July, anno Domini eighteen hundred and seventy, recorded, and so forth, granted and conveyed unto the Philadelphia and Reading Railroad Company, their successors and assigns, together with the free and uninterrupted use, right, liberty, and privilege of passage in and along a certain roadway sixteen feet wide next to the line of Crum Creek and upon the bank extending along and following the course of the said creek from the railroad of the Philadelphia and Wilmington Railroad Company to the hereindescribed premises as now in use; for and in consideration of the said Alba B. Johnson and Samuel M. Vauclain granting and conveying to the United States in fee simple the following-described premises and rights of way situated on Crum Creek after its course shall have been changed, in the county of Delaware, State of Pennsylvania, now belonging to them, to wit:

"A certain piece or parcel of land, whose boundaries shall form a parallelogram containing one acre, more or less, with two hundred feet frontage on the east side of the new course of Crum Creek, Pennsylvania, which frontage shall be intersected by the axis or center line of Chester Range at a point to be approved by the Secretary of Commerce, together with the full and uninterrupted use, right, liberty, and privilege of passage for persons and vehicles over an accessible, direct, and improved right of way sixteen feet wide, wholly above high-water mark, from the premises above described to the right of way of the Chester Branch of the Philadelphia and Reading Railroad Company, the said right of way to be used in common and wholly maintained by the said Alba B. Johnson and Samuel M. Vauclain, their heirs, executors, administrators, and assigns, and kept in passable condition at all times, also a suitable and sufficient right of way for beams of light on the Chester Range line over all the property on said range line between the proposed permanent front and rear lights of Chester Range, and to the southward and westward of said front light: *Provided*, That the Attorney General shall first examine the title of said Alba B. Johnson and Samuel M. Vauclain to premises to be conveyed to the United States as aforesaid, and shall furnish his written opinion in favor of the validity thereof: *And provided further*, That the said Alba B. Johnson and Samuel M. Vauclain within such reasonable time after

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the passage of this act as may be determined by the Secretary of Commerce shall deed to the United States the premises herein described to be conveyed by them: *And provided further*, That the conveyance of the herein-described lot or parcel of land now owned by the United States of America shall not be made and the title thereto shall not pass to the said Alba B. Johnson and Samuel M. Vauclain until the following shall have been done by said persons without expense to the United States and to the satisfaction of the Secretary of Commerce: First, erect a bulkhead of permanent construction on the easterly side of the new course of Crum Creek along the entire frontage of the premises to be conveyed to the United States of America, which shall consist of a timber pile foundation supporting a timber platform and a gravity section concrete retaining wall of the same construction, as approved by the United States engineer office, and now being erected on the southwest side of the mouth of Crum Creek; second, fill the entire plat of land to be conveyed to the United States with sand, earth, or other suitable material to an elevation of twelve feet above mean low water; third, dredge a channel from the premises to be conveyed to the United States to the main channel of the Delaware River having a depth of not less than six feet at mean low water; fourth, construct and make available for the purposes of the United States the improved right of way for the passage of persons and vehicles provided for herein: *And provided further*, That the conveyance shall not be made by the United States, and title shall not pass from the United States until the permanent tower and dwelling proposed to be built by it on the land to be conveyed to it shall be ready for occupancy, nor until all valuable lighthouse property is removed by the United States from the site to be conveyed by it: *And provied further*, That the existing lights now in use shall continue, without interference by said Alba B. Johnson and Samuel M. Vauclain, until the establishment by the United States of permanent lights on Chester Range.

"That the said Alba B. Johnson and Samuel M. Vauclain, upon the passage of this act, and after the rendition by the Attorney General of his opinion in favor of the validity of the title to be conveyed to the United States and the conveyance to the United States of such title, shall have the right to proceed with improvements upon the tract to be conveyed by the United States, except upon such portions as are actually required for lighthouse purposes, under conditions to be prescribed by the Secretary of Commerce.

"That all expenses incurred by the United States in making the exchange of property herein authorized, including the cost of such abstracts, official certifications, and evidences of title as the Attorney General may deem necessary, and all expenses incurred in removing such lighthouse property on the present site as may be advantageous to the interests of the Government, shall be payable from the appropriation 'General expenses, Lighthouse Service,' for the fiscal years in which such expenses are incurred."

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce.
House of Representatives, Washington, D. C.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 25, 1916.

MY DEAR CONGRESSMAN: Receipt is acknowledged of your letter of March 22, 1916, inclosing, with request for the views thereon by this department, a copy of House bill 13419, Sixty-fourth Congress, first session, authorizing the sale of the lighthouse reservation at Scituate, Mass.

I have to state that the property described in the bill constitutes a portion of the old Scituate Lighthouse Reservation, and contains thereon an old stone light tower which is connected by a covered way with a keeper's dwelling. The light on the tower has been discontinued, it being now shown from an iron spindle on the outer end of the breakwater. Since the removal of the light to the breakwater the lighthouse reservation, together with improvements thereon, has no longer been required for lighthouse purposes.

The town of Scituate desires to acquire the site for the purpose of incorporating it into its present park system and to preserve and maintain it, including the structures thereon, as an historical landmark.

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It is recommended that the word "jurisdiction" in line 12, page 1, of the bill be spelled correctly. As thus modified, I recommend that the bill be passed.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 18, 1916.

MY DEAR CONGRESSMAN: Referring to your letter of March 16, 1916, requesting the views of this department on House bill No. 13233 of the present session of Congress, "Authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange," you are respectfully informed that the matter is being investigated and that you will be further advised in regard thereto at an early date.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

Hon. WILLIAM C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 25, 1916.

MY DEAR JUDGE ADAMSON: Referring again to your letter of March 16, 1916, requesting the views of this department on House bill No. 13233 of the present session of Congress, authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., etc., I have to advise you that, after carefully considering the matter, this department is of the opinion that the bill should be amended, in the interests of the Lighthouse Service, and a draft of bill to supersede the bill inclosed with your letter is transmitted herewith, with recommendation that the bill, as modified, be passed.

I wonder whether you will not think, as I am inclined to do upon considering the facts which lie behind this measure, that it should not be made a portion of a general bill to be introduced later, but should be treated as promptly as possible on its separate merits. The reason for this suggestion is that there are facts in this case which seem to me to indicate that this small measure, with which no one disagrees, should go through irrespective of whether a larger measure were delayed or not. It would be too late, I imagine, after the larger bill were introduced, to get the small one through, whereas if the smaller one were introduced first it would have a double chance of passage, both by itself and in connection with the larger one.

The facts are that this exchange of property is quite as important to the interests of the Government as it is to the private interests concerned, and time is of the essence of the contract. The private parties concerned are investing large sums in improvements, which are necessarily delayed till this exchange can be made, and the Government interests require that if possible the exchange shall be carried on so that it shall be completed and the new house erected upon the new site before the winter.

I defer to your judgment, merely placing the facts before you for such action as you think best. I always feel in a matter of this kind where private parties have treated the Government with entire fairness that we should treat them in such a way as to secure action with the least possible risk of delay and the expense and annoyance to them which such delay necessarily causes.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Hon. WILLIAM C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

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The above letters give in detail the views of the Department of Commerce as to the necessity of the proposed legislation contained in this bill, with the exception of section 7. This section authorizes the equipment of all seagoing vessels in the Lighthouse Service with radio equipment and auxiliary power for the operation thereof, at a cost not to exceed $60,000, and the department is heartily in favor of it and urgently recommends it as will be seen by reference to the hearings on the bill, pages 30 to 35, inclusive.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 553.

FREDERICK (MD.) WAR CLAIM.

APRIL 17, 1916.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LEWIS, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 4751.]

The Committee on War Claims, to which was referred the bill (H. R. 4751) to refund to the corporate authorities of Frederick City, Md., the sum of $200,000, exacted of them by the Confederate Army, under Gen. Jubal Early, July 9, 1864, under penalty of burning said city, submits the following report and recommends that the bill do pass.

GENERAL STATEMENT.

During the Civil War Frederick, Md., was a military supply depot of the Government. In July, 1864, Gen. Early, in need of money and supplies, marched into Frederick and, under threat of destruction of the town, levied a ransom of $200,000. This sum was paid and saved the Government stores, exceeding $200,000, from destruction. The town issued $200,000 of bonds to pay the ransom, which are still unpaid and outstanding, and upon which the town has since been paying interest. The object of this bill, now favorably reported for the fifth time, is to retire and pay off these bonds, in consideration of the Government stores saved from destruction by their issue.

The modern precedents at home and abroad make it the duty of the Government to accept responsibility in this case.

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Great Britain in 1784 passed an act awarding £4,000,000 sterling to indemnify the losses of the royalists at the hands of the American Revolutionists by confiscation and otherwise.

At least 48 statutes (see list) have been passed by Congress indemnifying loyal citizens for losses inflicted by the enemy. "France, in the Franco-Prussian War, appropriated 220,000,000 francs to reimburse its citizens for such losses inflicted by the Prussians, including ransoms and levies, and similarly, Louis XVIII for losses of French subjects during the Napoleonic Wars. Italy did the same for Lombardy in 1857. And as recently as the Boer War Great Britain appropriated $10,000,000 to reimburse loyal British subjects for losses inflicted by the enemy. All this in growing recognition of the reciprocal character of the duties of the Government and its citizens; the citizen to pay his share of the expense of military defense, and sacrifice his life if necessary, the Government in return to protect him in his person and property." The Constitution recognizes this duty, where it provides that "the United States shall protect each of them (States) from invasion." The troops which the State of Maryland had raised during the war would have been ample to protect it from invasion by Gen. Early, had they been available. The State supplied 42 military organizations containing 50,316 white troops and 8,718 colored troops, together with 3,925 sailors and marines, a grand total of 62,959, nearly one-tenth of its entire population during the war. But these troops were withdrawn from the State for service in the cause of the Union, and thus Maryland was deprived of her own defense, as a border State.

This claim is now reported favorably by the Committee on War Claims for the fifth time, but has not hitherto received consideration by the House.

A statement of the law and particular facts bearing on the subject follow:

Detailed Statement.

THE LAW.

Whatever may have been the views as to the duties of a government in remote times, the modern practice of nations accepts the rule that it is its duty to protect the property of its citizens from destruction, and failing to do so to indemnify them, if finacially able.

The medieval view.—It is doubtless true that in sovereignties founded on force, as were those of the Middle Ages, the sovereign refused to accept any obligation to indemnify his subjects; and so references can be given to instances where the subject has been left to bear alone the loss inflicted upon him, either by the enemy or the military activities of his own government.

"According to the laws and usages of nations," it was said, "a State is not obliged to make compensation for damage done to its citizens by the enemy."

And this was but what we should expect of a government founded on violence and conquest, and which did not even compensate its own subjects for losses inflicted by its own troops. However, at the very dawn of the modern state we find Grotius declaring the end

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of this order of things. In his Rights of War and Peace, published in 1623, he says:

> But it is to be observed the state is bound to repair the losses of individuals, at the public expense, in aid of which the sufferers have contributed their due proportion. Nor will the state, though unable to repair the losses for the present, be finally released from the debt; but whenever she possesses the means of repairing the damages, the dormant claim and obligation will be revived. (Grotius's Rights of War and Peace, p. 383.)

Even the statement of the medieval rule seems to foresee the coming order of the voluntary state. Bentwick, quoting from Vattel, says:

> As regards losses inflicted by the enemy's army the state had no obligation; though here, too, if it could afford it, and especially if it received a war indemnity, it was equitably called upon to compensate the sufferers. (Bentwick's War and Private Property, p. 42.)

What could be said of a rich and opulent State which withdrew from an integral division all of its military resources for defense, laid it open to the enemy, and even invited its attack by placing its stores of war therein which when thus defenseless had suffered such a loss through which the Government had actually experienced a corresponding gain, refused to indemnify its loyal supporter?

THE MODERN RULE.

"Instances showing the application of the modern rule occur as early as the Revolutionary War. The British Parliament, after the Revolutionary War, provided to the extent of £4,000,000 sterling for the reimbursement of the royalists in America for the destruction and confiscation of their property by the American troops and authorities." See "An act for appointing commissioners to inquire into the losses and services of all such persons who have suffered in their rights, properties, etc., during the late unhappy dissensions in America, in consequence of their loyalty," etc. This act was extended from time to time in the years 1784, 1785, 1786, 1787, and in the year 1788 by 28 George III, chapters 40–44. (Wilmot Claims of American Loyalists, pp. 197–199.)

In modern States the rule could not be otherwise. The medieval State was founded on force. Its constituents were subjects, not citizens. But the modern State is a voluntary organization and its constituents are citizens; and their relations to it and its relations to them consist of reciprocal rights and duties, the duty to defend the state and comply with its orderly demands for resources through taxation being institutionally dependent upon the correlative duty of the state to protect the citizen in his private rights.

France his distinctly accepted this as a principle of national law. The French courts have laid it down that such compulsory contributions when demanded by a properly commissioned officer of the enemy were to be considered as made for the general body. Those who had advanced contributions on behalf of the community were repaid in full, and it was laid down in the French courts that it was the law of the land that payments, whether in money or kind, by individual citizens, when demanded by a properly commissioned officer

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of the enemy, were to be considered as made for the general body, and were not losses incidental to war for which the subject could not claim redress. (Bentwick War and Private Property, p. 43.)

Dalloz, in his Jurisprudence Généale of France, writes:

En ce qui concerne les requisitions, la cour de cassation a reconnu d'une manière constante, et sa jurisprudence á été suivic par la piupart des cours et des tribunaux, que le citoyen qui avait du faire une fourniture re quisitonnee par 1 ennemi devait etre repute avoir paye dans 1 interet de la générlité des habitants de la commune. (Repertoire de Legislation, p. 459, supp. 15.)

On the 11th day of September, 1871, the French Republic passed the following decree:

[Official journal of the French Republic, Versailles, September 11, 1871.]

The National Assembly has adopted, and the President of the French Republic promulgates the law, the tenor of which is as follows:

Considering that during the late war the portion of the territory invaded by the enemy bore exactions and suffered devastations without number, that the sense of patriotism which animates the heart of the French people enjoins upon the Government the duty of indemnifying those who have, in the common conflict, undergone those exceptional privations, the National Assembly, without intending to depart from the principles laid down in the law of July 10, 1791, and the decree of August 10, 1853, decrees:

ARTICLE 1. An indemnification will be allowed to all those who have borne during the invasion the contributions of war, requisitions either in money or in kind, fines, and material damages.

ART. 2. These contributions, requisitions, fines, and damages will be verified and estimated by the cantonal commissions, who act for the time under the direction of the minister of the interior. A Departmental commission will revise the labor of the cantonal commissions and fix the definite sum total of the losses proven. This commission will be composed of the prefect, president, four counsellors general designated by the council general, and of four representatives of the ministers of the interior and finances.

ART. 3. When the extent of the losses shall have been thus verified, a law will fix the sum the state of the public treasury will permit to be appropriated for their indemnification and determine the distribution of the same.

A sum of 100,000,000 francs will be immediately placed at the disposition of the minister of the interior and of the minister of finances and apportioned between the Departments pro rata, according to the losses respectively proven. to be distributed by the prefect, assisted by a commission appointed by the council general and taken from its number, between the most necessitous victims of the war and the communes most involved in debt. This first allowance will be part of the sum total assigned to each Department, to be distributed among all the claimants.

ART. 4. A sum of 6,000,000 francs is placed equally at the disposition of the ministers of the finances and of the interior to be, without further legislative enactment, distributed among those who suffered the most in the operation attending the attack made by the French Army to gain reentrance into Paris.

ART. 5. Independently of the preceding provisions, the contributions in money collected under the title of taxes by the German authorities will be settled as follows:

SECTION 1. The communes that have paid any sums under the title of taxes will be reimbursed their advances by the treasury.

SEC. 2. The taxpayers who will prove payment of any sum under the same title, either into the hands of the Germans or to the French municipal authorities, will be permitted to apply the whole sum on account of their contributions for 1870 and 1871. They will be required to produce their vouchers within the period of the month.

SEC. 3. The settlement specified above will comprise:

1. The whole sum of the French direct tax.

2. The double of that tax, as showing the indirect taxes levied by the Prussians. All that which in the payments will exceed the direct tax doubled will be considered as simple contribution of war and governed by the principles laid down in the preceding articles.

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Deliberated in public sessions at Versailles July 8, August 8, and September 6, 1872.

JULES GREVY,
President.
A. THIERS,
President of the Republic.

F. LAMBRECHT,
Minister of the Interior.
PAUL BETHMONT,
VISCOMTE DE MEAUX,
PAUL DE REMUSAT,
BARON DE BARANTE,
MARQUIS DE CASTELLANA,
N. JOHNSTON,
Secretaries.

A more recent example is the action of Great Britain in connection with the losses incurred by the British citizens in the South African war. By chapter 27 (1903) Edward VII, known as the South African loan and war contribution act of 1903, the sum of £2,000,000 was appropriated as "compensation to loyalists in Cape Colony and Natal."

The United States.—The principle of reciprocal obligation has been equally recognized in the United States as appears by an inspection of the following acts:

Act of March 3, 1815, to pay mechanics and others employed at the Washington Navy Yard for the destruction of their property burned by the British in 1814 (p. 155).

Act of April 24, 1816, to pay William Flood for property destroyed by the British at New Orleans in 1815 (p. 163).

Act of April 27, 1816, to pay Samuel Manac for his property destroyed by hostile Creeks in late war (p. 171).

Act of March 3, 1817, to pay the friendly Creek Indians $85,000 for their property destroyed by the hostile Creeks in War of 1812 (p. 191).

Act of April 20, 1818, to pay Samuel F. Hooker, of Sacketts Harbor, N. Y., for property taken for public use and for a house and barn destroyed by the enemy at Cape St. Vincent (p. 211).

Act of December 20, 1820, to pay Elias Parks of Oswego, N. Y., for goods destroyed by the British in 1814 (p. 254).

Act of March 2, 1821, to pay Joseph McNeil $700 for injuries sustained during the invasion of the British of New Orleans in 1814 (p. 259).

Act of May 7, 1822, to pay William Henderson $2,765 for property destroyed by the British at Munday Point, Va., War of 1812 (p. 268).

Act of May 7, 1822, to pay Solomon Provost, of Louisiana, $1,966, for losses by British invasion of 1814 (p. 273).

Act of May 7, 1822, to pay John Pellet, of Louisiana, $3,864, for the destruction of his buildings and other property during the invasion of 1814 (p. 277).

Act of May 17, 1824, to pay the estate of Samuel Mims $1,800 for buildings destroyed by hostile Indians at Fort Misus, Ohio, in 1813 (p. 300).

Act of May 17, 1824, to pay William T. Nimmo $500 for the destruction of a house in Princess Anne County, Va., by the British in 1813 (p. 300).

Act of April 7, 1830, to pay Jean Baptiste Centure $2,000 for house, store, stable, and other buildings at Frenchtown, Mich., destroyed by the British and Indians in 1813, while occupied by United States troops (p. 411).

Act of April 7, 1830, to pay Hubert La Croix, of Michigan, for the destruction of his house at Frenchtown in 1813 by the British and Indians (p. 412).

Act of May 31, 1830, to pay Jean Baptiste Jerome for a barn burnt by order of an American officer at Frenchton, Mich., to prevent its use as a cover for the British and Indians in 1813 (p. 338).

Act of May 31, 1830, to pay Gabriel Godfrey for the destruction of his barn and other property by order of an American officer at Frenchtown, Mich., to prevent its use as a cover by the British and Indians in 1813 (p. 450).

Act of March 3, 1831, to pay Benjamin S. Smoot, of Alabama, $1,000 for a house destroyed by order of a United States officer to prevent its being a shelter for the British in their attack upon Fort Bowyer in 1814 (p. 466).

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Act of May 3, 1832, to pay Periccia Tupper $450 for a barn destroyed by the British, near Buffalo, N. Y., in the War of 1812 (p. 478).

Act of July 14, 1832, to pay Samuel May, of Buffalo, N. Y., $3,150 for the destruction of two warehouses by the British in 1813 (p. 518).

Act of July, 1832, to pay John Brunson for the value of a house and store destroyed by the British at Buffalo, N. Y. (p. 518).

Act of July 14, 1832, to pay estate of Edward Barry $568.35 for property destroyed in the burning of the Washington Navy Yard by the British in 1814 (p. 520).

Act of July 14, 1832, to pay Augustine Taney for buildings burnt by the British near Baltimore, Md., in 1814 (p. 525).

Act of July 14, 1832, to pay Henry Waller for building burnt by the British on the Eastern Shore of Maryland in 1814 (p. 525).

Act of February 9, 1833, to pay Gabriel Godfrey and Jean Baptise Baugrand $1,020 for a barn, storehouse, and stable burnt by the British and Indians at Frenchtown, Mich., in 1813 (p. 534).

Act of March 2, 1833, to pay the estate of George Hodge $824.18 for property destroyed in the burning of the Washington Navy Yard by the British in 1814 (p. 545).

Act of June 30, 1834, to pay Henry Sewall and Robert Sewall, of St. Marys County, Md., $10,000 for property destroyed by the British (p. 585).

Act of June 30, 1834, to pay the estate of John Rose $2,500 for property burnt by the British at Washington Navy Yard (p. 594).

Act of February 17, 1836, directing payment to James Tilford for property destroyed upon the principles of the acts of April 9, 1816, and March 3, 1817, to pay for property destroyed by the enemy (p. 62).

Act of February 17, 1836, to pay the estate of Thomas Beacham, of Northumberland County, Va., $600 for a barn burnt by the British, War of 1812 (p. 626).

Act of June 23, 1836, to pay Charles M. Frazier, of St. Leonards, Md., for a house burnt by the British in 1814 (p. 642).

Act of July 1, 1836, to pay the heirs of William Forbes $2,100 for houses burnt by the British at Kinsale, Va., War of 1812 (p. 660).

Act of July 1, 1836, to pay estate of Michael Fenwick $5.000 for a dwelling house destroyed by the British while occupied by United States troops, and to adjust and settle claims for other houses burnt by the British (p. 661).

Act of July 2, 1836, to pay estate of Nathaniel Canada for a tollhouse and bridge across Niantic River, Conn., burnt by the British in 1814 (p. 669).

Act of July 2, 1836, to pay Charles J. Catlett for tobacco destroyed by the British and American troops in warehouses at Baltimore, Md., in 1814 (p. 673).

Act of March 3, 1837, to pay David Kilborn, of Oswego, N. Y., $2,500 for property destroyed, War of 1812 (p. 690).

Act of February 23, 1838, to pay estate of John McCarty $1,000 for a house burnt by the British at Farnham, Va., in 1814 (p. 703).

Act of March 19, 1838, to pay estate of Benjamin H. Mackall for houses destroyed by the British in 1814, in Maryland (p. 707).

Act of March 28, 1838, to pay James I. Pattison, of Calvert County, Md., $4,200 for house and other property destroyed by the British in 1814 (p. 709).

Act of April 6, 1838, to pay William Eadus $2,000 for a house burnt by the British at Sodus, N. Y., in 1813 (p. 710).

Act of April 20, 1838, to pay Calvert County, Md., $3,000 for courthouse burnt by the British in 1814 (p. 711).

Act of July 7, 1838, to pay Richard Frisby, of Kent County, Md., $2,000 for property destroyed by the British in 1814 (p. 743).

Act of March 3, 1839, to pay estate of Michael Fenwick $7,000 for houses burnt by the British in Washington, D. C. (p. 759).

Act of August 26, 1842, to pay John King $900 for a dwelling house burnt by the British in Richmond County, Va., War of 1812 (p. 865).

Act of August 26, 1842, to pay James Tongue, $1,837.78; John Schrivener, $3,840; and estate of William Hodson, $3,968.39, for buildings destroyed by the British October, 1814 (p. 866).

Act of March 1, 1843, to pay William G. Sanders $900 for a house burnt at Fort Brooks, Fla., in 1836, by order of Capt. Belton, United States Army, to prevent it being used as a cover by the enemy.

In 1893 (27 Stat. L., p. 744) an act was passed to pay William and Mary College of Virginia the sum of $64,000, to reimburse said college for the destruction of its buildings and other property destroyed without authority by

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soldiers of the United States during the late war for the suppression of the rebellion.

In 1873 (17 Stat. L., p. 767) an act was passed to pay Margaret Merklein, of Chambersburg, Pa., $600 for property destroyed by the enemy.

The last statute recited is worthy of special note, because of its close resemblance to the case at hand. Margaret Merklein had her home burned by the Confederates. The act—

Directs the Secretary of the Treasury to pay Margaret Merklein $600 for the payment of loss of property incurred by her at the hands of the public enemy during the War of the Rebellion, and of services rendered by her to the Government of the United States in saving stores of the United States from destruction by the public enemy and in attending upon the sick and wounded of the United States Army. (Congressional Globe, Mar. 3, 1873, vol. 47, pt. 3, p. 2185.)

The Government, in its partnership with the citizen, justly refused to take the profits of her action and deny liability for her losses. In fact, the principle of salvage at once distinctly suggests itself in the treatment of the claim reported. The property saved for the Government in the Frederick case represents the ship and the cargo safely brought to port through the payment of the ransom. Frederick has been paying interest on these ransom bonds since 1864—50 years—the aggregate of which more than twice exceeds the amount of the ransom. The Government is, therefore, being asked to meet less than one-third of the liability incurred, while Frederick has discharged the other two-thirds of the liability.

The Facts.

In the summer of 1864 the stores of the Confederate Army had become so depleted that to procure sufficient supplies it became necessary to resort to desperate means. In a letter directed to Jefferson Davis by Gen. Robert E. Lee, dated June 26, 1864, the general said:

I am less uneasy about holding our position than about our ability to procure supplies for the Army. I fear the latter difficulty will oblige me to attack Gen. Grant in his intrenchments, which I would not hesitate to do but for the loss it will inevitably entail. (Exhibit J.)

As a result of the suggestions made by Gen. Lee, Gen. Early, in command of a large body of troops, was ordered to move down the Valley of Virginia into Maryland for the purpose of capturing the immense amount of quartermaster, commissary, ordnance, and medical supplies kept by the Federal Government in Fredericktown, at that time the depot of supplies for the Union troops in the Valley of Virginia and in the defense of the upper Potomac. After recovering the supplies at Frederick, it was intended that Gen. Early should proceed to Washington and take possession of the Capital of the Union, which at that time was entirely undefended. An extract from a report of Gen. Grant to the Secretary of War, dated July 22, 1864, shows that this plan was carried out, with the exception that Gen. Early failed to take Washington. (Exhibit A.)

The command under Gen. Early entered Maryland July 5, 1864; reached the mountains west of Frederick on the 7th day of July, 1864, and on the afternoon of that day and the morning following met and engaged with the Union troops under command of Gen. Wallace. These engagements showed that the Union troops were

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not strong enough to defend the town, and hasty orders were issued for the removal of the Government property. The Government had at that time in Frederick five warehouses containing Government stores and two barracks, as follows:

Table of storage warehouses in Frederick used by Government.

Warehouse.	Area.	Height.	Capacity.
	Square feet.	*Stories.*	*Cubic feet.*
Tyson's	1,867	3	54,630
Brown's	2,934	2	47,897
Coppersmith	1,928	2½	46,548
B. & O. freight depot	6,319	2	113,742
D. and D. barracks, No. 1	2,854	2	48,518
D. and D. barracks, No. 2	2,854	2	48,518
Bantz	727	3	21,019
Total capacity of all warehouses	.....	.....	380,872

And in addition to the above 10 or 12 hospital buildings, with a capacity of about 3,000 patients, furnished with the finest and best hospital appliances, medical stores, workshops, such as blacksmith shops, wagon-maker's shops, repair shops, paint shops, and in fact everything needed for the use of a well-equipped army. Photographs of the different warehouses were exhibited to the committee.

The difficulty of removing these stores was greatly increased on account of the small number of soldiers under Gen. Wallace's command. It became necessary for every enlisted man who was fit for duty, to enter the field, thus reducing the men employed about the quartermaster, commissary, and medical departments, to a number too small to remove these supplies with the required rapidity. Realizing that help was imperative, a number of loyal citizens assisted the Government employees, and by the evening of the 8th of July a part of the Government property had been removed, leaving, as was subsequently ascertained, a very large amount stored away in various buildings in the city. (Affidavit No. 7.)

That night Gen. Wallace evacuated Frederick, and on the morning of July 9 Gen. Early took possession of the town and issued the following order:

FREDERICK CITY, MD., *July 9, 1864.*

Hon. MAYOR: I am directed by Lieut. Gen. Early, commanding, to require of you for the use of the troops 500 barels of flour, 6,000 pounds of sugar, 3,000 pounds of coffee, 20,000 pounds of bacon, 3,000 pounds of salt.

I am, respectfully, your obedient servant,

W. J. HAWKS,
Chief Commissary Confederate States, Army of Virginia.

After issuing this order Gen. Early learning of the aid given by loyal citizens of Frederick in the removal of the Government stores, in anticipation of his coming to seize them, by way of reprisal issued the following order:

FREDERICK TOWN, MD., *July 9, 1864.*

By order of Lieutenant General Commanding:

We require of the mayor and town authorities $200,000 in current money for the use of this army. This contribution may be supplied by furnishing the medical department with $50,000 in stores at current prices, the commissary

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department with stores to the same amount, the ordnance department with the same, and the quartermaster department with a like amount.

W. M. ALLEN,
Lieutenant Colonel and Chief of Ordnance, Virginia Division.
W. J. HAWKS,
Chief Commissary Confederate States Army, Virginia Division.
HUNTER MCGUIRE,
Surgeon and Medical Director.
JOHN A. HARMAN,
Major and Chief Quartermaster, Virginia Division.

Gen. Early threatened to destroy the town in the event the order was not complied with.

Lewis M. Nixdorff, Henry M. Nixdorff, John C. Hardt, and Lewis Bruner testified that—

On the 9th day of July, A. D. 1864, Gen. Jubal Early made a requisition upon the city of Frederick for $200,000; that in various capacities the undersigned were at the city hall on that day when Confederate officers were there, and that it was then and there thoroughly understood and asserted that unless the said sum was promptly raised that the city would be given up to the soldiers to be pillaged, fired, or dealt with in any way they pleased, and that all protection would be withdrawn and that under this threat the money was raised. (Affidavit No. 1.)

The mayor called the aldermen, members of the common council, and citizens in public meeting and the following protest was prepared and delivered to Gen. Early:

[Exhibit protest.]

To Lieut. Gen. EARLY,
Commanding the Confederate forces in Maryland:

The undersigned citizens of Frederick city respectfully represent that the assessment of $200,000 imposed upon the city of Frederick will bear most onerously upon the people of this place. We beg leave to represent that the population of our city does not exceed 8,000; that the entire basis of the city does not exceed $2,200,000; that the tax now levied at the rate of 37½ cents on the $100 produces $8,000 as the annual corporate tax of the city.

The assessment imposed by your order will take from the citizens of this place nearly one-tenth of the taxable property of the city.

The corporation by assuming this large debt, has met your requisition, and paid the amount.

In view, therefore, of the great and onerous burden thrown upon our citizens, many of whom are indigent and unable to bear the loss, and as the assessment made in other places in Maryland is relatively much less than that imposed upon our city, we respectfully request you to reconsider and abate the said assessment.

Very respectfully submitted.

WM. G. COLE,
Mayor of the City of Frederick.
L. I. BRENGLE.
R. H. MACGILL.
R. H. MARSHALL.
JOS. BAUGHER.

FREDERICK, *July 9, 1864.*

MAYOR'S OFFICE,
Frederick City, Md., July 9, 1864.

Whereas the lieutenant general commanding the Confederate Army now occupying this town has made a demand on the corporate authorities for the sum of $200,000; and

Whereas at a meeting of the corporate authorities of this town held this day, the following proceedings were had, with the concurrence and approval of the citizens present.

Resolved, by the mayor, aldermen, and common council of Frederick, That the several banks and savings institutions of the town be requested to furnish

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so much of said sum of $200,000, pro rata, according to their several capitals, and that the corporate authorities will proceed at the earliest possible moment to reimburse said banks and savings institutions by levying upon the citizens of said corporation, in proportion to their ability, a sufficient tax to cover the same.

Resolved, by the authority aforesaid, That the mayor, Messrs. Sifford, Bruner, of the board of aldermen, John A. Simmons and T. M. Holbruner, of the board of common council, and Joseph Baugher, R. H. Marshall, Lewis M. Nixdorff, Calvin Page, and E. Albaugh, Esq., be authorized to demand and receive said funds and pay the same to the proper officer of said army.

By order of the boards.

1864, July 9. Passed.

W. MAHONEY.
THO. M. HOLBRUNER.
Rev. EDWARD LINN.
JOHN A. SIMMONS.
JNO. A. SIFFORD.
JAMES BRUNER.
WILLIAM G. COLE, *Mayor*.

The money was accordingly secured from the banks by the above constituted committee and paid to the quartermaster of the Confederate Army, from whom the following receipt was obtained:

JULY 9, 1864.

Received of the mayor, aldermen, and common council of Frederick the sum of $200,000, in full payment of said sum which this day was levied and demanded to be paid to the Confederate States Army, by said corporation of Frederick.

J. R. BRAITHWAITE,
Major and Quartermaster.

THE GOVERNMENT STORES.

There was stored in Frederick at that time considerably more than $200,000 worth of Government supplies. (Affidavits Nos. 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.)

[Affidavit No. 2.]

STATE OF MARYLAND,
Talbott County, sct:

I hereby certify that on this 2d day of June, in the year 1902, before me, a notary public of the State of Maryland, in and for said county, personally appeared Gen. Charles A. Shipley and made oath in due form of law that on the 9th day of July, in the year 1864, and prior thereto, he was chief clerk for the depot quartermaster of the United States Army at Frederick, Md., and said depot was particularly the base of supplies for the armies of the United States operating in the Shenandoah Valley of Virginia; that the United States had on the 9th day of July, A. D. 1864, stored in warehouses in said Frederick city a large quantity of Government property of various kinds, consisting of quartermaster, commissary, and other stores, and which were in said city when the same was occupied by the Confederate Army, under the command of Gen. Jubal A. Early on said date; that while, by reason of the lapse of time, it is now difficult for him to estimate the value of said Government stores in said city at said date, he has reason to believe the same to have been of the value of probably $200,000.

CHARLES A. SHIPLEY.

Witness:
W. S. WILSON.

Subscribed and sworn to before me the day and year first above written.

[L. S.] W. S. WILSON, *Notary Public.*

Jacob B. Tyson says:

That he was in Frederick, Md., on the 9th day of July, 1864, when the same was occupied by the Confederate army, under command of Gen. Early;

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and that the United States authorities had at that time stored in the warehouse of his father, Johnathan Tyson, now deceased, situated on Carroll Street in said city, a large quantity of Government property of various kinds, consisting principally of clothing and hospital stores; that the first floor of said warehouse building was a single room about 80 feet long, 30 feet wide and 10 feet high, was well filled with clothing of various kinds; that the second floor of said building, which was of the same size as the first floor, was divided into two rooms, by a partition, and one of the rooms of said second story of about one-half the size of the first floor was occupied by the United States Sanitary Commission, where a large quantity of hospital stores were kept, and were there upon said day; that all of said Government stores in said building on said 9th day of July, 1864, were worth at that time, in his opinion, about $50,000. (Affidavit No. 3.)

Fritchie Hanshew testifies:

I was in Frederick on the 9th day of July, 1864. I was employed as a clerk at the Baltimore & Ohio Railroad depot, and was there during the day * * *. In the depot building (the old stone warehouse), and in the shed adjoining the Government had a very large amount of property for the use of the Army. Before the Union troops left Frederick on Friday night before the battle, all the stores they could take away on the cars were removed, but a very large amount was left in Frederick, because there were no cars to remove them with, and they were there after the Union troops returned. They were packed in large boxes. I don't know what kind of goods they were, or how much the property was worth, but the price of everything was very high at the time. (Affidavit No. 16.)

Gideon Bantz testifies—

* * * that he was in Frederick, Md., July 9, 1864, the day of the Battle of Monocacy, when the Confederate Army had possession of the town. There were stored in the building owned by his father, on Brewers Alley, between two and three thousand United States Government blankets, a lot of medical stores, also a few guns, none of which were taken or destroyed by the Confederate Army. (Affidavit No. 5.)

Dr. R. F. Weir, at that time assistant surgeon, United States Army, who is not a resident of the town of Frederick or State of Maryland, testifies:

I was a surgeon in charge of the United States Army general hospital at Frederick, Md., in July, 1864, and when the city was captured by Gen. Early. The hospital, having a capacity for 2,500 to 3,000 patients, was undisturbed. It had on hand a full equipment of instruments, medical and quartermaster's supplies, which were not touched by the enemy. I should estimate the value of these supplies, with the building, would have amounted to not less than $100,000. (Affidavit No. 4.)

Jacob Tyson estimates the stores in the warehouse of his father at $50,000; Dr. Weir values the supplies at the hospital, together with the building, to be worth not less than $100,000; while Bantz says there was stored in the warehouse of his father two or three thousand blankets. Estimating the number of blankets at 2,500 and the value at $5 each, they would be worth $12,500. By adding these figures together we find that in these buildings alone there were stores amounting to $162,500. These items are specific.

Besides, a number of witnesses testify that there were large quantities of supplies stored in three other warehouses known as the Brown, Coppersmith, and Baltimore & Ohio Railroad warehouses, but their value they were unable to estimate, though they all agree that the price of everything at that time was very high.

These three warehouses were of large size, as may be seen by reference to the size of each as ascertained by the city engineer.

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From this evidence it is safe to say that there was at least $100,000 worth of property stored in the last three mentioned warehouses, which, when added to the amount first ascertained, would place a value of $262,500 on the Government stores which remained in Frederick on the 9th day of July, 1864.

The Ransom Agreement.

It was agreed that upon payment of said ransom property of every kind would be protected from being seized or destroyed by the Confederate Army. (Affidavits Nos. 6, 10, 12, 15, and 18.)

John C. Hardt, in affidavit No. 6, says:

The stipulations were upon the payment of the money all property of every description was to be protected, which was carried out in good faith. No property was taken or destroyed.

To the same effect is the testimony of Z. James Gittinger, who, in affidavit No. 18, says:

On the payment of the money it was stipulated that all property was to be respected.

That in the execution of this agreement, after the ransom had been paid, the Confederate officers applied the protection of the agreement to subsequently discovered Government stores, is shown by the affidavits Nos. 10, 12, 15, and 17.

G. S. Groshon testifies:

Between 8 and 9 o'clock at night a party of Confederates came to the depot to burn the bridge across the creek and a warehouse, containing Government property. He protested that the property was all protected by the payment of the $200,000. They sent word out to Gen. Early that a protest had been made against burning the property after the ransom had been paid. Early sent word back not to destroy any property and the guard was withdrawn. (Affidavit No. 10.)

Theodore Brookey says:

Several Confederate soldiers came along, each having a new "marked" Government United States blanket; they threw the old ones away. A Confederate officer came along and asked where they got them; they stated over in the warehouse, meaning the Baltimore & Ohio freight building. He told them to take them back; that all property was to be respected. (Affidavit No. 12.)

Had the town of Frederick failed to pay the ransom which was exacted by Gen. Early these stores would have been destroyed.

These supplies were later taken up by the United States Army.

Henry B. Tyson says:

Their warehouse was full of Government goods when he went away, and there was a large amount there when he returned, several days after the fight, and the Government officers took charge of them after the battle. (Affidavit No. 11.)

W. A. Abrecht says:

He was in Frederick City, Md., on the 9th day of July, 1864, and he knows there was a large quantity of Government stores in private warehouses in said city on said 9th day of July, 1864, which were left there during said day, and which said stores were not taken or destroyed by the Confederates, and he saw Government wagons hauling said stores from said buildings directly after the Union forces took possession of the city after said 9th day of July. (Affidavit No. 13.)

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It is apparent that the Government of the United States received the benefit of the payment of this ransom in the saving of its stores. Frederick was the only town in the Union in which Government property was saved during the Civil War by the payment of such a ransom. In this particular the claim of Frederick is differentiated from other war claims. And it is apparent that it was evidently on account of the Government stores that Early demanded such a large sum; for from Hagerstown, which had a population equal to that of Frederick, he exacted only $20,000.

Maryland was a loyal State during the War of the Rebellion, and especially that portion including the town of Frederick. It had complied with every demand of the Government for men or means, and the citizens of the town of Frederick contributed personal care and private means for the relief of the wounded soldiers who were brought to Frederick from the battlefields of Antietam, Monocacy, and Gettysburg.

It was contended that the time consumed in negotiating and parleying for and paying over the ransom saved Washington from falling into the hands of the Confederates. The following extracts from letters written at that time show conclusively that it was Early's intention to march directly from Frederick to Washington, and take possession of the Capital of the United States, which at that time was without defense. (Exhibits A, B, C, D, E, F, G, H, and I.)

In a letter from Col. Sharp to Maj. Gen. Humphreys we find the following:

> They say that it was currently reported within their lines, both at Richmond and in Petersburg, that Gen. Early was making an invasion of Maryland, with the intention of capturing Washington, having under his command two divisions of Ewell's corps, Breckinridge's command, and perhaps other forces belonging in the valley. (Exhibit B.)

The following letter, dated July 5, 1864, was sent by Maj. Gen. Meade to Lieut. Gen. Grant:

> The following information, obtained from two deserters, who came in this morning, is sent to you for what it is worth. They state it to be currently reported at Richmond and in Petersburg, that Early, in command of two divisions of Ewell's corps, with Breckinridge's command and other forces, was making an invasion of Maryland, with a view of capturing Washington, supposed to be defenseless. (Exhibit C.)

That Washington was undefended, is evident from the following extracts of letters written at that time, attached hereto as Exhibits E, F, G, H, and I. An abstract from a letter written by President Lincoln, at Washington, to Lieut. Gen. Grant, dated July 10, 1864, says:

> Your dispatch to Gen. Halleck, referring to what I may think in the present emergency, is shown me. Gen. Halleck says we have absolutely no force here fit to go to the field, * * * Now, what I think is, that you should provide to retain your hold where you are, certainly, and bring the rest with you personally. (Exhibit E.)

On the same day Gen. Grant wrote President Lincoln as follows:

> I have sent from here a whole corps, commanded by an excellent officer, besides over 3,000 other troops. One division of the Nineteenth Corps, 6,000 strong, is now on its way to Washington, one steamer loaded with these troops having passed Fort Monroe to-day. They will probably reach Washington tomorrow night. This force under Wright will be able to compete with the whole force with Ewell (Early). (Exhibit F.)

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In a letter from Maj. Gen. Halleck to Lieut. Gen. Grant, dated July 10, 1864, Gen. Halleck says:

Your telegram of 6 p. m. yesterday is received. Whether you had better come here or remain there is a question upon which I can not advise. What you say about getting into Early's rear is perfectly correct, but unfortunately we have no forces here for the field. All such forces were sent you long ago. What we have here are raw militia, invalids, convalescents from the hospitals, a few dismounted batteries, and the dismounted and disorganized cavalry sent up from the James River. (Exhibit G.)

In a letter to Gen. Meade Gen. Grant says:

There is great alarm felt in Washington. Wallace has been whipped at Monocacy Bridge, and driven back in great confusion. He had with him a part of Rickett's Division. (Exhibit H.)

As a result of the payment of this ransom, the town of Frederick, which under the recent census had a population of a trifle more than 10,000 persons, has been required to carry and still carries a large bonded indebtedness, a heavy burden upon the citizens of said town, necessitating the levy of an annual tax for the payment of the interest on said bonds.

In view of the proofs and reasons herein set forth, it is submitted that this claim is just and equitable, and that Congress ought to relieve said town of this burden.

Affidavits showing value of United States Army supplies stored in Frederick, etc., originals of which are on file in the office of the city register at Frederick, Md.

AFFIDAVIT No. 1.

STATE OF MARYLAND,
Frederick County, to wit:

On this 28th day of January, A. D. 1890, before the subscriber, a justice of the peace of the said State in and for the county aforesaid, personally appeared John H. Williams, Lewis M. Nixdorff, Henry M. Nixdorff, John C. Hardt, and Lewis Bruner, and did each make oath in due form of law: On the 9th day of July, A. D. 1864, Gen. Jubal Early made a requisition upon the city of Frederick for $200,000; that in various capacities the undersigned were at the city hall on that day when Confederate officers were there, and that it was then and there thoroughly understood and asserted that unless the said sum was promptly raised that the city would be given up to the soldiers to be pillaged, fired, or dealt with in any way they pleased, and that all protection would be withdrawn; and that under this threat the money was raised.

JNO. H. WILLIAMS.
LEWIS M. NIXDORFF.
JOHN C. HARDT.
LEWIS BRUNER.

Sworn to and subscribed before me, and the date afore specified.

HERMAN H. NIENABER.

AFFIDAVIT No. 1A.

STATE OF MARYLAND,
Frederick County, to wit:

On this 28th day of January, A. D. 1890, before the subscriber, a justice of the peace of the said State in and for said county, personally appeared Edward Sinn and made oath in due form of law: On the 9th day of July, A. D. 1864, Gen. Jubal Early made a requisition upon the city of Frederick for $200,000; that as a member of the city council of Frederick he was present at the city hall at the meeting with the Confederate officers and that he heard one of the officers, commissioned by Gen. Early to enforce payment of said sum, declare that if said money was not immediately raised that he would not be responsible

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for what the soldiers did, and declaring several times to the board and citizens present to hurry up in the matter.

E. SINN.

Sworn to and subscribed before me on the date afore written.

HERMAN H. NIENABER.

STATE OF MARYLAND,
Frederick County, sct:

I hereby certify that Herman H. Nienaber, Esq., before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a justice of the peace of the State of Maryland in and for Frederick County, duly appointed, commissioned and sworn, and authorized by law to take acknowledgments and administer oaths and to exercise the jurisdiction conferred by law on such justice, and that the signature attached thereto, purporting to be his, I believe to be genuine.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of the circuit court for Frederick County this 28th day of January, A. D. 1890.

W. IRVING PARSONS,
Clerk of the Circuit Court for Frederick County.

AFFIDAVIT No. 2.

STATE OF MARYLAND,
Talbot County, sct:

I hereby certify that on this 2d day of June, in the year 1902, before me, a notary public of the State of Maryland, in and for said county, personally appeared Gen. Charles A. Shipley and made oath in due form of law that on the 9th day of July, in the year 1864, and prior thereto, he was chief clerk for the depot quartermaster of the United States Army at Frederick, Md., and said depot was particularly the base of supplies for the armies of the United States operating in the Shenandoah Valley of Virginia; that the United States had on the 9th day of July, A. D. 1864, stored in warehouses in said Frederick city a large quantity of Government property of various kinds, consisting of quartermaster, commissary, and other stores, and which were in said city when the same was occupied by the Confederate Army under the command of Gen. Jubal A. Early on said date; that while, by reason of the lapse of time, it is now difficult for him to estimate the value of said Government stores in said city at said date, he has reason to believe the same to have been of the value of probably $200,000.

CHARLES A. SHIPLEY.

Witness:
W. S. WILSON.

Subscribed and sworn to before me the day and year first above written.

[L. S.] W. S. WILSON, *Notary Public.*

AFFIDAVIT No. 3.

STATE OF MARYLAND,
Frederick County, to wit:

I hereby certify that on the 11th day of January, A. D. 1902, before me, a notary public of the State of Maryland, in and for Frederick County, personally appeared Jacob B. Tyson and made oath in due form of law that he was in Frederick city, Md., on the 9th day of July, A. D. 1864, when the same was occupied by the Confederate Army under the command of Gen. Early; that the United States authorities had at that time stored in the warehouse of his father, Jonathan Tyson, now deceased, situated on Carroll Street, in said city, a large quantity of Government property of various kinds, consisting principally of clothing and hospital stores; that the first floor of said warehouse building was a single room, about 80 feet long, 30 feet wide, and 10 feet high, was well filled with clothing of various kinds; that the second floor of said building, which was of the same size as the first floor, was divided into two rooms by a partition, and one of the rooms of said second story of about one-half the size of the first floor, was occupied by the United States Sanitary Com-

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mission, where a large quantity of hospital stores were kept and were there upon said day; that all of said Government stores in said building on said 9th day of July, 1864, were worth at that time, in his opinion, about $50,000; that he knows Confederate officers and soldiers desired to get into said building on said day, but this affiant and others then in charge of said building succeeded in keeping them out until the ransom of $200,000 was paid by the city of Frederick, after which the Confederates made no further effort to get into said building, but this affiant does not believe said soldiers knew that the stores in said building were the property of the United States; that this affiant remained on the pavement of the public street near to said warehouse all of the night of said 9th of July, A. D. 1864, and he knows that while the city was occupied by the Confederate Army, and Confederate soldiers were in the neighborhood of said warehouse all of said day and night, they did not take, destroy, or disturb the Government property in said warehouse building; that he also knows there were at least three other warehouses in the neighborhood of his father's warehouse, above described, in which Government stores were kept at that time and were there on said day, commonly known then as Brown's, Coppersmith, and Baltimore & Ohio warehouses, but the quantity, kind, or value of the Government property then in said last-mentioned warehouse this affiant does not know, but he believes the same was of considerable value.

And this affiant further says that after the Confederate forces had evacuated the city of Frederick and the United States forces had returned and resumed possession his father reported to the proper officer (he thinks it was a Capt. Smith) that the Government stores in his warehouse were all safe, and the officer to whom his father made this report expressed his surprise and said he thought said stores would have been all taken or destroyed; that he was not present when his father made said report and did not hear the conversation with the officer in question, but the same was told this affiant immediately thereafter by his father, and he is confident the same is true.

JACOB B. TYSON.

Subscribed and sworn to before me this 11th day of January, A. D. 1902.

CHAS. B. T. HENDRICKSON, *Notary Public.*

AFFIDAVIT No. 4.

MARCH 10, 1902.

I hereby certify that I was a surgeon in charge of the United States general hospital at Frederick, Md., in July, 1864, and when the city was captured by Gen. Early. The hospital having a capacity for 2,500 to 3,000 patients was undisturbed. It had on hand a full equipment of instruments, medical and quartermaster supplies which were not touched by the enemy. I should estimate the value of these supplies with the building would have amounted to not less than $100,000.

R. F. WEIR, M. D.,
(then) *Assistant Surgeon, U. S. A.*

STATE OF NEW YORK,
County of Warren, to wit:

I hereby certify that on this 11th day of July, in the year 1911, before me, the subscriber, a notary public of the State of New York, in and for the county aforesaid, personally appeared R. F. Weir, and made oath, in due form of law, that the matters and things contained in the certificate attached hereto are true to the best of his knowledge and belief.

R. F. WEIR.

Subscribed and sworn to before me this 11th day of July, 1911.

[L. S.] WILLIAM C. KEENAN, *Notary Public.*

AFFIDAVIT No. 5.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 10th day of January, A. D. 1902, before me, a notary public of the State of Maryland, in and for Frederick County, personally appeared Gideon Ernest Bantz and made oath in due form of law, that he was in Frederick, Md., July 9, 1864, the day of the Battle of Monocacy, when the Confederate Army had possession of the town. There were stored in the building owned by his father, on Brewers Alley, between two and three thousand

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United States Government blankets, a lot of medical stores, also a few guns, none of which were taken or destroyed by the Confederate Army, nor do not know of any other property being destroyed or taken away by said army.

GIDEON ERNEST BANTZ.

Test:
G. W. KINDLEY.

In testimony whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 6.

I hereby certify that on this 11th day of January, A. D. 1902, before me, a notary public of the State of Maryland, in and for Frederick County, personally appeared John C. Hardt, and made oath in due form of law that he was in Frederick city, Md., on July 9, 1864, when the Confederate Army occupied said town; that a demand was made upon the corporate authorities for $50,000 worth of medical supplies, $50,000 worth of commissary supplies, $50,000 worth of quartermaster's supplies, and $50,000 worth ordnance supplies, or $200,000 cash. The town not being able to furnish the supplies demanded, concluded to pay the enormous sum of $200,000, but not until after a strong effort was made to have it reduced. Many arguments were made by some of our prominent citizens protesting against so large an amount for a town of about 8,000 inhabitants. All protests failed, and at last the money was paid. The several banks of the town furnished the money for the corporation, each bank was assessed in proportion to its capital stock, which money was paid to the officers of the Confederate Government. The stipulations were upon the payment of the money, all property of every description was to be protected, which was carried out in good faith. No property was taken or destroyed, although a large quantity was taken away by the Government, and mostly loaded on cars by order of Gen. Wallace, commander of the Union forces, a large quantity still remained, from the fact of want of time, and facilities for removing them.

JOHN C. HARDT.

Test:
G. W. KINDLEY.

Subscribed and sworn to before me the day above named.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 7.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 9th day of January, A. D. 1902, before me, a notary public of the State of Maryland, in and for Frederick County, personally appeared John Baumgardner, and made oath in due form of law, that on the day before the Battle of Monocacy he was present in Frederick, Md., and assisted in loading two cars with Government goods at the Baltimore & Ohio warehouse, which were shipped away, and there was other property belonging to the United States in said warehouse building, but he does not know the value of the same; that he was not in the employ of the Government when he assisted in loading said cars, but in common with other citizens he rendered said service voluntarily in order to protect and save the Government property, as it was then well known the Confederate Army was near Frederick, and their occupancy of the city was imminent.

JOHN BAUMGARDNER.

Test:
G. W. KINDLEY.

Subscribed and sworn to the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 8.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 9th day of January, A. D. 1902, before me, a notary public of the State of Maryland, in and for Frederick County, person-

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ally appeared Christian Woerner, and made oath in due form of law that he was in Frederick City, Md., on the 9th day of July, 1864, and he knows there were on that day stores belonging to the United States of various kinds, consisting in part of crackers, coffee, sugar, rice, and clothing in the warehouses of Messrs. Tyson & Brown, the value of which he does not know, but they were of large quantity, and said stores were not disturbed by the Confederates who occupied said city on that day and he believes said stores were saved by the city complying with the Confederate demand for $200,000.

C. WOERNER.

Test:
G. W. KINDLEY.

Subscribed and sworn to before me the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 9.

STATE OF MARYLAND,
Frederick County ss:

I hereby certify that on this 9th day of January, A. D., 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally appeared Hiram M. Keefer, and made oath in due form of law that he was in Frederick city on July 9, 1864. There was to his knowledge a large amount of Government stores in the warehouses on Carroll Street, in said city, such as underwear, crackers, coffee, sugar, rice, etc., and in the railroad warehouse all kinds of stores on that day. He can not estimate the value of these stores, but knows that they were not disturbed by the Confederate after the $200,000 had been paid.

HIRAM M. KEEFER.

Test:
G. W. KINDLEY.

In testimony whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 10.

STATE OF MARYLAND,
Frederick County ss:

I hereby certify that on this 10th day of January, A. D., 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally appeared George S. Groshon, and made oath in due form of law, that he was in Frederick city on the 9th day of July, 1864, the day that the Battle of Monocacy took place. Between 8 and 9 o'clock at night a party of Confederates came to the depot to burn the bridge across the creek and the warehouses containing Government property. He protested that the property was all protected by the payment of the $200,000. They sent word out to Gen. Early that a protest had been made against burning the property after the ransom had been paid. Gen. Early sent word back not to destroy any property, and the guard was withdrawn, and, to the best of his recollection, nothing was taken or destroyed after that. He knows that a large amount of property, rice, sugar, sanitary stores, wine, etc., was in the warehouses that day and it was there after the Confederates left. He can not estimate the value of the stores. Everything was very high.

G. S. GROSHON.

Test:
G. W. KINDLEY.

In testimony whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 11.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 9th day of January, A. D. 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally

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appeared Henry B Tyson and made oath, in due form of law, that he left Frederick just prior to the Battle of Monocacy, on July 9, 1864; that their warehouse was full of Government goods when he went away, and there was a large amount there when he returned, several days after the fight, and the Government officers took charge of them after the battle. There was clothing of all kinds—boots, shoes, underclothing, etc. He can not state the value of them.

HENRY B. TYSON.

Test:
G. W. KINDLEY.

In testimony whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 12.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 10th day of January, A. D. 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally appeared Theodore Brookey, and made oath, in due form of law, that he was in Frederick, Md., July 9, 1864, the day of the Battle of Monocacy; from the best of his knowledge and belief, there were in the several warehouses on Carroll Street large quantities of Government stores. Several Confederate soldiers came along, each having a new "marked" Government United States blanket; they threw the old ones away. A Confederate officer came along and asked where they got them; they stated over in the warehouse, meaning the Baltimore & Ohio freight building. He told them to take them back, that all property was to be respected. They said all right. The officer then left; they still kept them. One of them remarked it was hard that so many things were there belonging to the "damned" Yankees which we are not allowed to take. No other property was taken or destroyed.

THEODORE BROOKEY.

Test:
G. W. KINDLEY.

Subscribed and sworn to the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 13.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 9th day of January, A. D. 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally appeared William H. Abrecht and made oath, in due form of law, that he was in Frederick city, Md., on the 9th day of July, 1864, and he knows there was a large quantity of Government stores in private warehouses in said city on said 9th day of July, 1864, which were left there during said day, and which said stores were not taken or destroyed by the Confederates, and he saw Government wagons hauling said stores from said buildings directly after the Union forces took possession of the city after said 9th day of July. He does not know the value of such stores, but they were of large quantity.

W. H. ABRECHT.

Test:
G. W. KINDLEY.

Subscribed and sworn to before me the day and year above writen.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 14.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 9th day of January, A. D. 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally appeared George J. Buckey and made oath, in due form of law, that he was in Frederick city on July 9, 1864. He knows that there was on that day a large amount of Government stores in the city in the warehouses on Carroll Street;

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he saw them. There was sugar, coffee, rice, and other commissary stores, the value of which he can not estimate. He did not see the Confederate soldiers disturb any of them and did not hear that they disturbed anything after they got the money. He was sitting on the city hall steps when they got the money and saw them come down with it.

GEORGE J. (his x mark) BUCKEY.

Test:
G. W. KINDLEY.

Subscribed and sworn to before me the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 15.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 9th day of January, A. D., 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally appeared J. Dennis Murphy and made oath in due form of law that he was present when a squad of Confederate soldiers came down to the depot to burn the Baltimore & Ohio Railroad buildings. Mr. Groshon and other citizens expostulated with them, stating that they had been paid the money they had demanded and had promised to protect private property. That burning these buildings would endanger the private property of citizens around there and in that way kept them from burning until orders came not to destroy the building, and they went away. He had been in Baltimore in charge of Government property that had been removed to prevent the Confederates from capturing the same. This was in 1864 and, to the best of belief, was about the time of the Battle of Monocacy.

J. D. MURPHY.

Test:
G. W. KINDLEY.

Subscribed and sworn to the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 16.

Before me, a notary public of the State of Maryland in and for the county of Frederick, personally appeared this 16th day of January, 1902, Fritchie Hanshew, who being duly sworn deposes and says: I was in Frederick city on the 9th day of July, 1864; I was employed as a clerk at the Baltimore & Ohio Railroad depot, and was there during the day. There was nothing doing, and I stayed about the depot building all day, but was not there at night. I know it was the day of battle, because I heard the guns. Some time during the morning, I think, some Confederate soldiers came to the depot and took away some goods; but they were soon stopped—I don't know by whom; but they did not disturb anything more during the day. In the depot building (the old stone warehouse) and in the shed adjoining the Government had a very large amount of property for the use of the Army. Before the Union troops left Frederick, on Friday night before the battle all the stores they could take away on the cars were removed, but a very large amount was left in Frederick, because there were no cars to move them with and they were there after the Union troops returned. They were packed in large boxes. I don't know what kinds of goods they were or how much the property was worth, but the price of everything was very high at that time.

FRITCHIE HANSHEW.

Test:
G. W. KINDLEY.

In testimony whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 17.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 14th day of January, A. D. 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally

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appeared Christan H. Eckstein and made oath in due form of law, that he is a resident of Frederick city, Md., and was residing in Frederick city, Md., in the year 1864, when the Confederate Army invaded Maryland. That he was present when the demand was made upon the city of Frederick for the $200,000 by Gen. Jubal Early. The banks of the city advanced the money to the city officials to save the city from being plundered, and also saved the United States Government property which was stored in warehouses at Baltimore & Ohio depot and private warehouses near by. I heard a Confederate colonel tell my father whilst dining with him that the payment of the money is all that saved Frederick.

C. H. ECKSTEIN.

Test:
G. W. KINDLEY.

In testimony whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 18.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 13th day of January, A. D. 1902, before me, a notary public of the State of Maryland in and for Frederick County, personally appeared Z. James Gittinger and made oath in due form of law, that he was in Frederick, Md., on the 9th day of July, 1864, when the Confederate Army occupied said town. After the $200,000 demanded and paid the officers of said army no property of any description was taken or damaged by them. On the payment of the money it was stipulated that all property was to be respected. He has read the statement made by Mr. Jacob B. Tyson and to the best of his knowledge and belief it is correct in every particular.

Z. JAMES GITTINGER.

In testimony whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

A. LE ROY MCCARDELL, *Notary Public.*

AFFIDAVIT No. 19.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 9th day of January, A. D. 1902, before me, a notary public of the State of Maryland, in and for Frederick County, personally appeared Henry Durfe and made oath, in due form of law, that prior to the 9th day of July, 1864, he was employed at the United States Army general hospital at Frederick, Md., and he knows there was a large quantity of stores of the United States in various warehouses in Frederick, where the same were kept, but he has no knowledge as to the stores left there on the said 9th of July, 1864, as he left the city on the morning of that day.

HENRY (his X mark) DURFE.

Test:
G. W. KINDLEY.

Subscribed and sworn to before me the day and year above written.

G. WESLEY KINDLEY, *Notary Public.*

AFFIDAVIT No. 20.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 15th day of January, A. D. 1912, before me, the subscriber, a notary public of the State of Maryland, in and for Frederick County, personally appeared Edward Y. Goldsborough and made oath, in due form of law, that he served as first lieutenant, Company E, Eighth Regiment, Maryland Volunteer Infantry, during the Civil War, which position he resigned on account of ill health, and upon the acceptance of his resignation he assumed the office of State's attorney for Frederick County, Md., to which position he had been previously elected, and which office he held when the Confederate Army, under the command of Gen. Jubal A. Early, made its raid upon

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Frederick on the 9th day of July, A. D. 1864. Upon Early's arrival in Frederick, this affiant says, that he immediately put on his uniform and served as volunteer aid de camp on the staff of Gen. E. B. Tyler during the Battle of Monocacy.

That there were erected in said town of Frederick (upon the land at that time owned by the State of Maryland immediately adjoining the barracks referred to in this argument) about 15 frame hospital buildings, with a capacity of about 3,000 patients, each of which buildings was 150 feet long by 30 feet in width. That the information concerning the size of these buildings was obtained from drawings furnished to this affiant by the United States Arsenal at Philadelphia, Pa.; and in addition to said buildings there were erected on said property wheelwright shops, wagon makers' shops, repair shops, paint shops, blacksmith shops, and such other buildings as were needed for the use of a well-equipped army; that in consequence of the agreement of ransom none of said buildings or the property or supplies contained therein were destroyed, removed, or taken by the Confederate troops.

This affiant further says that the building referred to by Dr. Weir in affidavit No. 2 was a stone building, which belonged to the State of Maryland, and which, without its contents, he believes was worth about $4,000 or $5,000.

EDWARD Y. GOLDSBOROUGH.

Test:
GEO. W. HEINLEIN.

EXHIBIT X.

STATE OF MARYLAND,
Frederick County, ss:

I hereby certify that on this 20th day of January, A. D. 1912, before me, the subscriber, a notary public of the State of Maryland, in and for Frederick County, personally appeared Emory C. Crum and made oath, in due form of law, that he is the civil engineer for Frederick City, Md., and as such made the measurements of the size and capacity of the different buildings (photographs of which are exhibited herein) in which the United States Army supplies were stored in Frederick on the 9th day of July, A. D. 1864; that the total volume of all buildings described in the above report 380,872 cubic feet, and that said measurements are correct to the best of his knowledge and belief.

EMORY C. CRUM, *City Engineer.*

Attest:
GEO. W. HEINLEIN.

Subscribed and sworn to before me the day and year above written.

GEO. W. HEINLEIN, *Notary Public.*

EXHIBIT Y.

FREDERICK, MD., *January 22, A. D. 1911.*

I hereby certify that I have examined the affidavits and orders issued by Gen. Early for the ransom from Frederick, proceedings of the city authorities, and the receipt from Early's quartermaster, as the same are herein set forth, and that they are true copies, the originals of which are on file in the office of the city register at Frederick, Md., the day and date first above written.

MICHAEL A. MCCAFFREY,
City Register of Frederick, Md.

The following exhibits, showing Early's invasion of Maryland and march upon Washington (at that time undefended), are taken from "War of the Rebellion, Official Records of the Union and Confederate Armies." The series, part, volume, and page appears at the top of each exhibit.

EXHIBIT A.

[Series I, vol. 38, pt. 1, p. 17.]

On the 6th the enemy occupied Hagerstown, moving a strong column toward Frederick City. Gen. Wallace, with Ricketts's division and his own command. the latter mostly new and undisciplined troops, pushed out from Baltimore with great promptness and met the enemy in force on the Monocacy, near the crossing of the railroad bridge. His force was not sufficient to insure success,

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but he fought the enemy, nevertheless, and, although it resulted in a defeat to our arms, yet it detained the enemy and thereby served to enable Gen. Wright to reach Washington with two divisions of the Sixth Corps and the advance of the Nineteenth Corps before him. From Monocacy the enemy moved on Washington, his cavalry advance reaching Rockville on the evening of the 10th.

On the 12th a reconnaissance was thrown out in front of Fort Stephens to ascertain the enemy's position and force. A severe skirmish ensued, in which we lost about 280 in killed and wounded. The enemy's loss was probably greater. He commenced retreating during the night.

The above is a portion of the report written by Gen. Grant to the Secretary of War.

EXHIBIT B.

[Series I, vol. 40, pt. 3, p. 7.]

HEADQUARTERS ARMY OF THE POTOMAC,
PROVOST MARSHAL GENERAL'S DEPARTMENT,
July 5, 1864.

Maj. Gen. HUMPHREYS,
Chief of Staff.

GENERAL: Two deserters from the Twentieth Georgia Battalion Cavalry came into the lines of the Sixth Corps at about 5 o'clock this morning. They had been in hospital in Richmond, and on the 1st instant were sent thence to Petersburg. Night before last they were ordered to go down to the right of their line, where they were told that their regiment was on picket near the Weldon Railroad. They were ordered to join their regiment, but sought an opportunity to escape, which they found this morning. They say it is currently reported within the lines both at Richmond and in Petersburg that Gen. Early was making an invasion of Maryland with the intention of capturing Washington, having under his command two divisions of Ewell's corps, Breckenbridge's command, and perhaps other forces belonging to the valley.

Col. SHARPE.

EXHIBIT C.

[Series I, vol. 40, pt. 3, p. 5.]

HEADQUARTERS ARMY OF THE POTOMAC,
July 5, 1864—1 p. m.

Lieut. Gen. GRANT.

GENERAL: The following information obtained from two deserters who came in this morning is sent to you for what it is worth. They stated it to be currently reported at Richmond and in Petersburg that Early, in command of two divisions of Ewell's corps, with Breckenbridge's command and other forces, was making an invasion of Maryland with a view of capturing Washington, supposed to be defenseless. It was understood Early would reach Winchester by the 3rd instant.

GEO. G. MEADE, *Major General.*

EXHIBIT D.

[Series I, vol. 40. pt. 3, p. 60.]

WASHINGTON, *July 7, 1864—10 p. m.*

Lieut. Gen. GRANT:

The artillery, etc., Early and Breckenridge, are unquestionably in this raid, which is probably larger than we first supposed. Their special object is not yet developed.

H. W. HALLECK,
Major General and Chief of Staff.

EXHIBIT E.

[Series I, vol. 40, pt. 3, p. 121.]

WASHINGTON, *July 10, 1864—2.30 p. m.*

Lieut. Gen. GRANT:

Your dispatch to Gen. Halleck, referring to what I may think in the present emergency, is shown me. Gen. Halleck says we have absolutely no force here

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fit to go to the field, etc. Now, what I think is that you should provide to retain your hold where you are certainly, and bring the rest with you personally, and make a vigorous effort to destroy the enemy's forces in this vicinity. I think there is really a fair chance to do this if the movement is prompt. This is what I think upon your suggestion, and is not an order.

A. LINCOLN,
President of the United States.

EXHIBIT F.

[Series I, vol. 40, pt. 3, p. 122.]

CITY POINT, VA., *July 10, 1864—10.30 p. m.*

A. LINCOLN,
President of the United States:

I have sent from here a whole corps, commanded by an excellent officer, besides over 3,000 other troops. One division of the Nineteenth Corps, 6,000 strong, is now on its way to Washington, one steamer loaded with these troops having passed Fort Monroe to-day. They will probably reach Washington tomorrow night. This force, under Wright, will be able to compete with the whole force with Ewell (Early), etc.

U. S. GRANT, *Lieutenant General.*

EXHIBIT G.

[Series I, vol. 40, pt. 3, p. 123.]

WASHINGTON, D. C., *July 10, 1864—3.30 p. m.*

Lieut. Gen. GRANT, *City Point:*

Your telegram of 6 p. m. yesterday is received. Whether you had better come here or remain there is a question upon which I can not advise. What you say about getting into Early's rear is perfectly correct, but unfortunately we have no forces here for the field. All such forces were sent you long ago. What we have here are raw militia, invalids, convalescents from the hospitals, a few dismounted batteries, and the dismounted and disorganized cavalry sent from the James River, etc.

W. H. HALLECK,
Major General and Chief of Staff.

EXHIBIT H.

[Series I, vol. 40, pt. 3, p. 144.]

CITY POINT, VA., *July 11, 1864—1.30 p. m.*

Maj. Gen. MEADE, *Commanding, etc.:*

Your dispatch of 12 just received, etc. There is great alarm felt in Washington. Wallace has been whipped at Monocacy bridge, and driven back in great confusion. He had with him a part of Rickett's Division, etc.

U. S. GRANT,
Lieutenant General.

EXHIBIT I.

[Series I, vol. 37, pt. 2, p. 117.]

Report of Jno. Key Clements, provost marshal: "A careful and protracted examination of Lieut. Shearer, of Bradley Johnson's staff (a prisoner), elicits the following information: That the design is not upon Pennsylvania, but upon the city of Washington. The advance into Pennsylvania is a blind and diversion to distract attention from the main object, and at the same time supply the exhausted stock of animals."

EXHIBIT J.

[Series I, vol. 37, pt. 1, p. 767.]

JUNE 26, 1864.

JEFFERSON DAVIS,
President of the Confederate States:

I am less uneasy about holding our position than about our ability to secure supplies for the Army. I fear the latter difficulty will oblige me to attack Gen.

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Grant in his intrenchments, which I should not hesitate to do but for the loss it will inevitably entail. A want of success would, in my opinion, be almost fatal, and this causes me to hesitate in the hope that some relief may be procured without running such great hazard. I should like much to have the benefit of your excellency's good judgment and views upon this subject.

R. E. LEE, *Lieutenant General.*

EXHIBIT K.

[Series I, vol. 37, pt. 1, p. 349.]

In his official report, dated at Leesburg, July 14, 1864, of his occupancy of Frederick, Md., Gen. Early says: "Our cavalry has brought off a very large number of horses. Over 1,000 have been brought off and $220,000 in money was levied and collected in Hagerstown and Frederick, the amount against the latter being $200,000. All of which was paid in Federal and northern money.

EXHIBIT L.

[Copy of H. R. 5495, Fifty-first Congress. Favorably reported, first session.]

[Bill introduced January 20, 1890, by Mr. McCombs. Referred to Committee on War Claims. Favorably reported May 7, 1890. Died on the files.]

A BILL To reimburse Frederick, Hagerstown, and Middletown, Md.

Whereas during the late War for the Union the border towns, to wit, Frederick, Hagerstown, and Middletown, all in the State of Maryland, were subject to invasion and raids by the Confederate troops; and

Whereas the citizens of said towns were faithful and obedient to the laws of the Union, and the said State had answered and fully complied with all the requisitions upon it and its people in furtherance of the prosecution of the said War for the Union, and the United States was bound to protect the said State of Maryland and its people against invasion; and

Whereas the General Government, in its military operations, did not attach a sufficient force to afford such protection; and although the Government was informed of the emergency, and was called upon to furnish the proper protection and by reason of the failure of the Government to respond to or comply with the said call, the territory of said State and of said towns were invaded by the enemy; and

Whereas in the early period of said war the State of Maryland had organized for State defense at great expense to itself a body of troops soon drawn off to engage in the defense of the General Government and was ever after, until the close of the war, retained as part of the General Army of the Government, operating in the field, which body of troops if retained in the Government service, within the borders of the State, might have aided to protect the citizens of the said border towns from said raids and invasions; and

Whereas by failure of the General Government to prevent the invasion of the loyal State of Maryland, and of the loyal towns of Frederick, Hagerstown, and Middletown, Confederate armies, under Gen. Jubal Early, in the year 1864, invaded said State, and by way of retaliation and reprisal against the Government of the United States levied upon Frederick, as a town loyal to said Government, an assessment of $200,000, current money of the United States; and upon Hagerstown, a town loyal to said Government, $30 000, being $20,000 in said currency and $10,000 in clothing; and upon Middletown, a town loyal to said Government, $1,500 in said currency; and said invaders compelled the payment of said sums to the Confederate quartermasters by the corporate authorities of said towns, under pain of destruction of said towns by fire, by way of retaliation under the order of said Gen. Jubal Early, and said sums were so paid by said respective corporate authorities at said time: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $231,500 be, and the same is hereby, appropriated, out of the moneys in the Treasury of the United States not otherwise appropriated, and that the Secretary of the Treasury be, and he is hereby, directed to draw his warrant upon the Treasury of the United States for the payment of $200,000 of the said amount to the mayor and board of aldermen of Frederick City, Md., and for the payment of the sum of $30,000 to the mayor and council of Hagerstown, Md., and for the payment

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of the sum of $1,500 to the burgess and commissioners of the town of Middletown, Md., to the use and benefit of the inhabitants thereof, and to reimburse the said respective corporate authorities the war assessments aforesaid paid by way of reprisal for and in behalf of the Government of the United States.

EXHIBIT M.

[Copy of bill H. R. 4571, Fifty-second Congress. Favorably reported first session.]

[Bill introduced January 25, 1892, by Mr. McKaig. Referred to Committee on War Claims. Favorably reported March 3, 1892. Died on files.]

A BILL To refund to corporate authorities of Frederick city, Md., the sum of $200,000, exacted of them by the Confederate Army, under Gen. Jubal Early, July 9, 1864, under penalty of burning said city.

Whereas during the late war for the preservation of the Union the citizens of Frederick city, Maryland, were faithful and obedient to the laws of the Union, and the State had answered and fully complied with all requisitions upon it and its people for the supply of troops and all other requisitions made upon it and its people in furtherance of the prosecution of the said war of the Union, and by the Federal compact the United States were bound to protect the said city of Frederick and State of Maryland and its people against invasion and destruction of property; and

Whereas the General Government failed in its duty in the premises, and in consequence thereof they were subjected to an invasion by a large Confederate Army under General Jubal Early July ninth, eighteen hundred and sixty-four, and a large ransom, namely, the sum of $200,000, lawful money of the United States, was levied, demanded, and paid by said corporate authorities July ninth, eighteen hundred and sixty-four, unto Major J. R. Braithwaite, a quartermaster designated by said General Jubal Early to receive the same, no part of which has been retained or reimbursed to said corporate authorities of Frederick city, Maryland, entailing a grievous burden upon the loyal taxpayers of a small community: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $200,000 be, and the same is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated, and that the Secretary of the Treasury be, and he is hereby, directed to draw his warrant upon the Treasury of the United States for the payment of the said amount to the mayor and aldermen of Frederick, Maryland, in full payment and requittal of all claims by said corporate authorities of Frederick, Maryland, against the United States of America.

EXHIBIT N.

[Joint resolution No. 14.]

JOINT RESOLUTION and memorial of the General Assembly of the State of Maryland to the Congress of the United States for the passage of a bill to reimburse and indemnify the mayor and aldermen of Fredrick, Maryland.

Whereas on July ninth, eighteen hundred and sixty-four, during the progress of the late Civil War, the town of Frederick, in the State of Maryland, was seized by the Confederate Army under Jubal A. Early, and the said Army, by way of retaliation against the Government of the United States for the destruction of property by the Union armies in the Confederate States of America, exacted from said town, under pain of the pillage and burning thereof, the sum of $200,000; and

Whereas the State of Maryland had faithfully satisfied all the requisitions made upon it by the Government of the United States in the prosecution of said war, and was entitled to receive for itself and the said town of Frederick from the Government of the United States protection against the invasions and aggressions of the Confederate armies, and the said Government, after having taken and removed the home defense forces of said State beyond its limits and control, failed to comply with the request of said State to provide for the defense thereof and of the said town of Frederick as one of its municipalities against the invasions of the said Confederate Army under General Early, and by reason of such failure of the Government of the United States the said invasion was accomplished and the said town of Frederick was despoiled as aforesaid by way of retaliation against the said Government; and

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Whereas the said municipality, as a direct result of said exaction, has ever since been under the necessity of carrying a large bonded indebtedness, which has been a continuous and is a present hardship to the citizens of said town, and it is just and equitable that the Government of the United States should assume the loss suffered by said town by reason of its loyalty to the Union and on account of a policy of retaliation against the said Government: Therefore be it

Resolved by the General Assembly of Maryland, That the Senate and House of Representatives of the United States of America in Congress assembled be, and they are hereby, respectfully requested to pass a bill appropriating the sum of $200,000, to be paid to the mayor and aldermen of Frederick, in the State of Maryland, as a reimbursement and indemnity for the loss sustained by the said municipality through the said reprisal and exaction of the said Confederate Army of invasion.

Be it further resolved, That the secretary of the state be, and he is hereby, requested to transmit, under seal of this State, a copy of the aforegoing and memorial to each of the Senators and Representatives now in Congress from Maryland, with the request that they lay the same before their respective Houses in support of the measure hereinbefore mentioned.

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REPLY TO THE MINORITY VIEWS.

The minority state that they are unable to concur in the favorable report of this bill. In support of their views they assert that although this claim has been before Congress for many years, no claim was ever made that any Government stores were in Frederick at the time the ransom was exacted by Gen. Early until this claim was presented to the Sixty-third Congress. Whether this phase of the question was ever presented to Congress on former occasions by those interested in the passage of this legislation we are unable to say. In the favorable reports submitted by the Committee on War Claims on May 7, 1890, and March 3, 1892, no mention was made of the saving of Government stores as a reason for the payment of this claim. The conclusions set forth in these reports were considered sufficient to justify the passage of this claim regardless of whether Government property was saved or not. In the report of the minority it is stated that the affidavits in support of this theory are unsatisfactory not only because of the delay in making them but as well because there is no record in the War Department of the existence of such stores. It is true these affidavits were not procured until many years after the ransom had been paid. Doubtless those in charge of the passage of this claim when it was first presented to Congress either did not undertake the investigation of this phase of the case or did not have a proper conception of its real value. The fact remains, however, that a number of reputable witnesses have testified under oath that there were large quantities of Government stores in Frederick on the day the ransom was levied, which were estimated to be worth considerably more than $200,000; that these stores were saved by the payment of the ransom and subsequently taken away by the Federal Army. These affidavits should not be disregarded merely on account of delay in making them. The records in the War Department concerning the existence of these stores have either been lost or destroyed. We offer, however, in addition to the testimony of the citizens of Frederick, the affidavits of two witnesses who at that time were in the employ of the United States Army in charge of these stores, neither of whom are residents of Frederick, who state under oath that large quantities of Government stores were in Frederick on the day the ransom was levied. Gen. Charles A. Shipley, who on that day was chief clerk for the depot quartermaster of the United States Army at Frederick, Md., testifies that Frederick—

> was particularly the base of supplies for the armies of the United States operating in the Shenandoah Valley of Virginia; and that the United States had on the 9th day of July, A. D. 1864, stored in warehouses in said Frederick City a large quantity of Government property of various kinds, consisting of quartermaster, commissary, and other stores, etc.

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AFFIDAVIT NO. 2.

Dr. R. F. Weir testifies that he—

was a surgeon in charge of the United States general hospital at Frederick, Md., in July, 1864, and when the city was captured by Gen. Early. The hospital, having a capacity for 2,500 to 3,000 patients, was undisturbed. It had on hand a full equipment of instruments, medical and quartermaster's supplies, which were not touched by the enemy. I should estimate the value of these supplies with the building would have amounted to not less than $100,000.

AFFIDAVIT NO. 4.

It is also contended by the minority in its report that the history of the campaign does not support the assertion that the delay incident to the collection of the ransom resulted in saving Washington. The record filed with the report of this committee shows that Washington at that time was unable to withstand an attack by Early's army; that when the first demand was not complied with a second demand was made; that a hearing was accorded the citizens of Frederick, who protested against the payment of the ransom. That while the loyal citizens of Frederick were parleying with Gen. Early large forces of United States troops were being moved to Washington to protect it against Early's attack.

The minority also assert that there is no warrant for the statement that the Confederate Army was attracted to Frederick because of the Federal stores; that the Confederates had no knowledge of such stores, but did have knowledge that the whole of that territory was devoid of supplies. The record shows that on the 6th day of July, 1864, Gen. Early levied a ransom of $20,000 upon Hagerstown, which at that time was as large a town as Frederick. That on the 9th day of July, 1864, he exacted of Frederick $200,000. The affidavits of Fritchie Hanshew, G. S. Groshon, Theodore Brookey, and J. D. Murphy, attached to the committee's report, show conclusively that the Confederate soldiers knew of the existence of these stores on the day the demand was made by Gen. Early, and that they were saved to the Government by the payment of the ransom. Even though we adopt the view of the minority, that the Confederates were not aware of the existence of these stores, yet since the town, and the Government stores located therein, were saved from destruction by the payment of this ransom the town should be reimbursed to the extent that it contributed in saving the Government property.

We will now consider the more important objections offered by the minority report to the payment of this claim. It is contended that the legal precedents cited in the majority report are applicable to foreign invasions, but not to civil strife, and in support of this theory the following reference is made;

No Government compensates its subject for losses or injuries suffered in the course of civil commotion. (Hall's International Law, pp. 222–223.)

The minority are evidently laboring under the erroneous impression that the struggle for supremacy between the North and South was not characterized as a state of war, but merely a civil commotion. The Supreme Court of the United States has solemnly declared that the struggle between the States was war in the full sense of the word, and was recognized as such by all nations. Associate Justice

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Grier, in handing down the opinion of the court in the prize cases, calls it the greatest of civil wars:

Let us inquire whether, at the time this blockade was instituted, a state of war existed which would justify a resort to these means of subduing the hostile force.

War has been well defined to be "that state in which a nation prosecutes its right by force."

The parties belligerent in a public war are independent nations. But it is not necessary to constitute war that both parties should be acknowledged as independent nations, or sovereign States. A war may exist where one of the belligerents claims sovereign rights as against the other.

Insurrection against a Government may or may not culminate in an organized rebellion, but a civil war always begins by insurrection against the lawful authority of the Government. A civil war is never solemnly declared; it becomes such by its accidents—the number, power, and organization of the persons who originate and carry it on. When the party in rebellion occupy and hold in a hostile manner a certain portion of territory; have declared their independence; have cast off their allegiance; have organized armies; have commenced hostilities against their former sovereign, the world acknowledges them as belligerents and the contest a war. They claim to be in arms to establish their liberty and independence, in order to become a sovereign State, while the sovereign party treats them as insurgents and rebels who owe allegiance, and who should be punished with death for their treason.

This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local unorganized insurrections. However long may have been its previous conception, it nevertheless sprung forth suddenly from the parent brain, a Minerva in the full panoply of war. The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name; and no name given to it by him or them could change the fact.

It is not the less a civil war, with belligerent parties in hostile array, because it may be called an "insurrection" by one side, and the insurgents be considered as rebels or traitors. It is not necessary that the independence of the revolting province or State be acknowledged in order to constitute it a party belligerant in a war according to the law of the nations. Foreign nations acknowledge it as war by a declaration of neutrality. The conditions of neutrality can not exist unless there are two belligerent parties. (In the case of The Santissima Trinidad, 7 Wheat., etc.)

As soon as the news of the attack on Fort Sumter, and the organization of a government by the seceding States, assuming to act as belligerents, could become known to Europe, to wit, on May 13, 1861, the Queen of England issued her proclamation of neutrality, "recognizing hostilities as existing between the Government of the United States of America and certain States styling themselves as the Confederate States of America." This was immediately followed by similar declarations or by silent acquiescence by the other nations. (Prize cases, 2 Black, 67 U. S., pp. 476, 477.)

This opinion has been referred to and adopted by the Supreme Court in case after case.

Civil war is defined by John Bassett Moore in the following language:

Civil war is a war between two or more portions of a country or State, each contending for the mastery of the whole, and each claiming to be the legitimate government. This term is also sometimes applied to wars of rebellion, when the rebellious provinces or portions of the State are contiguous to those containing the seats of government. (Moore's Digest, vol. 7, p. 159.)

The War between the States had hardly begun before England issued her proclamation of neutrality on the 13th day of May, 1861; France did likewise on the 10th day of June, 1861; Spain issued her proclamation of neutrality on June 17, 1861; Brazil on August 1, of the same year, and similar declarations were issued by other powers. (Moore's Digest, vol. 1, pp. 184, 185.)

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Vattel in discussing this subject lays down the distinction between civil commotion or rebellion on the one hand and civil war on the other in the following language:

When a party is formed in a State, who no longer obey the sovereign and are possessed of sufficient strength to oppose him—or when, in a republic, the nation is divided into two opposite factions, and both sides take up arms—this is called a civil war. Some writers confine this term to a just insurrection of the subjects against their sovereign, to distinguish that lawful resistance from rebellion, which is an open and unjust resistance. But what appellation will they give to a war which arises in a republic torn by two factions, or in a monarchy between two competitors for the crown? Custom appropriates the term of "civil war" to every war between the members of one and the same political society. If it be between part of the citizens on the one side and the sovereign with those who continue in obedience to him on the other, provided the malcontents have any reason for taking up arms, nothing further is required to entitle such disturbance to the name of civil war, and not that of rebellion. This latter term is applied only to such an insurrection against lawful authority as is void of all appearance of justice. The sovereign, indeed, never fails to bestow the appellation of rebels on all such of his subjects as openly resist him; but when the latter have acquired sufficient strength to give him effectual opposition and to oblige him to carry on the war against them according to the established rules, he must necessarily submit to the use of the term "civil war."

A civil war breaks the bands of society and government, or at least suspends their force and effect; it produces in the nation two independent parties who consider each other as enemies and acknowledge no common judge. Those two parties, therefore, must necessarily be considered as thenceforward constituting, at least for a time, two separate bodies, two distinct societies. Though one of the parties may have been to blame in breaking the unity of the State and resisting the lawful authority, they are not the less divided in fact. Besides, who shall judge them? Who shall pronounce on which side the right or wrong lies? On earth they have no common superior. They stand, therefore, in precisely the same predicament as two nations who engage in a contest, and being unable to come to an agreement, have recourse to arms.

But when a nation becomes divided into two parties absolutely independent, and no longer acknowledging a common superior, the State is dissolved, and the war between the two parties stands on the same ground, in every respect, as a public war between two different nations. Whether a republic be split into two factions, each maintaining that it alone constitutes the body of the State, or a kingdom be divided between two competitors for the crown, the nation is severed into two parties who will mutually term each other rebels. Thus there exist in the State two separate bodies, who pretend to absolute independence and between whom there is no judge. (293.) They decide their quarrel by arms, as two different nations would do. The obligation to observe the common laws of war toward each other is therefore absolute, indispensably binding on both parties, and the same which the law of nature imposes on all nations in transactions between State and State, etc. (Vattel's Law of Nations, p. 424, 4th Am. ed.)

The reference made by the minority to Hall's Treaties on International Law in support of the theory advanced by them, that "no government compensates its subjects for injuries suffered in the course of civil commotion" has no application whatever to this case.

By referring to the text it will be found that Hall was discussing only the rights of foreign subjects to compensation for damage done to their person or property in a government disturbed by insurrection or civil commotion. The author says:

When strangers enter a State they must be prepared for the risks of intestine war, because the occurrence is one over which, from the nature of the case, the government can have no control; and they can not demand compensation for losses or injuries received, both because, unless it can be shown that a State is not reasonably well ordered, it is not bound to do more for foreigners than for its own subjects, and no government compensates its subjects for losses or injuries suffered in the course of civil commotions, and because the highest interests of the state itself are too deeply involved in the avoidance of such

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commotions to allow the supposition to be entertained that they have been caused by carelessness on its part which would affect it with responsibility toward a foreign state. (Hall's International Law, pp. 219, 220, 6th ed.)

In discussing the War between the States the author says:

During the first three months of 1861 seven of the States composing the United States formed themselves into a separate union, with a constitution intended to be permanent, under a fully constituted executive government, and with an elective legislative body. The insurgent community therefore possessed a government established as formally as is possible in a society the separate political existence of which is not acknowledged. Immediately on being constituted the executive took active measures to organize a military force; and hostilities broke out on the 11th of April, with the bombardment of Fort Sumpter by the southern troops. Within a few days afterwards 75,000 men were called out in the Northern States, and before the end of the month 100,000 men were under arms in the revolted portion of the country. Actual war existed on a large scale, and there was every reason to believe that it would be conducted by the Confederate States in accordance with the rules of international law.

The Government of the United States had recognized the belligerent character of the Southern Confederacy by proclaiming a blockade, that being a measure the adoption of which admitted the existence of war, in rendering foreign ships liable to penalties illegal except in time of war; apart from the effect of the blockade as a recognition of belligerency, every element of a state of war between a legitimate Government and a community in possession of de facto sovereignty was fully in existence.

It was at first alleged that no war existed, that no war could exist so long as the United States retained the legal sovereignty of their dominions, and that therefore it was not in the power of a foreign State to recognize any society within their boundaries as having rights of war; it was necessary, in short, that recognition of independence should precede recognition of belligerency. This contention being not only untenable in itself, but being opposed to decisions given in the courts of the United States, it was succeeded by an assertion that although "a nation is its own judge when to accord the rights of belligerency," recognition which "has not been justified on any ground of either necessity or moral rights" is "an act of wrongful intervention," and it was urged that no necessity had arisen at the time of the issue of the Queen's proclamation. No definition of necessary emergency was offered; but the refusal to admit an imminent certainty that the interests of a foreign State will be seriously touched by the operations of war as a due ground for recognition of belligerent character, implies that it is the duty of a State before according recognition to allow some illegal acts, at least, to be done at the expense of its subjects. To state such a contention is to demonstrate its inadmissibility. (Hall's International Law, pp. 36–39, 6th ed.)

Instead of characterizing the War between the States as a civil commotion, Hall describes it as "actual war on a large scale" in which "every element of a state of war between a legitimate Government and a community in possession of de facto sovereignty was fully in existence."

Having shown that a state of war existed it follows that the accepted rules of war are applicable to this case to the same extent as if the Government of the United States had been subjected to foreign invasion instead of civil war. Apart from the established principles of international law authorizing the State to compensate its subjects for losses of this character, the Constitution of the United States provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion. (Constitution of the United States, sec. 4, Art. IV.)

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Story, in commenting upon this section of the Constitution, says:

A protection against invasions is due from every society to the parts composing it. The latitude of the expression here used seems to secure to each State not only against foreign hostility, but against ambitious and vindictive enterprises of its more powerful neighbors. (Story on the Constitution, vol. 2, p. 595, sec. 1818.)

Upon the broad principle that where losses have been inflicted by the enemy upon a community greater than those sustained by the public at large, a nation should compensate such community. Both England and France, covering a period of more than 100 years, have reimbursed its subjects for losses of this character, and have done so in accordance with the modern view of international law and without any special requirement as that set forth in section 4 of Article IV of our Constitution. In support of this conclusion we again refer to the acts of the British Parliament, the Franch Republic, and the authorities set forth in the committee report on this bill.

It is also contended by the minority that this Government has set no precedent allowing claims of this character arising out of the Civil War, and that to do so would open new roads leading to the Treasury. Forty-seven statutory precedents are referred to in this report. (Pp. 5, 6, 7.)

In 1873 an act was passed to pay Margaret Merklein, of Chambersburg, Pa., $600 for property destroyed by the enemy. This statute is worthy of special note because of its close resemblance to the case at hand. Margaret Merklein had her home burned by the Confederates. The act—

directs the Secretary of the Treasury to pay Margaret Merklein $600 for the payment of loss of property incurred by her at the hands of the public enemy during the War of the Rebellion, and of services rendered by her to the Government of the United States in saving stores of the United States from destruction by the public enemy and in attending upon the sick and wounded of the United States Army. (Cong. Globe., Mar. 3, 1873, vol. 47, pt. 3, p. 2185; 17 Stat. L., p. 767.)

In conclusion, the minority state they believe that the passage of this bill will be unfortunate, especially at this time, when the financial needs of the Nation are at once so urgent and so insistent. If the claim is just, this argument should not prevail. While the demands on the Treasury are urgent, our Nation is at present enjoying a period of unprecedented prosperity. France, although deprived of her possessions and depleted in her resources, reimbursed her subjects for injuries inflicted by the enemy under circumstances far less meritorious than those offered in support of the payment of this claim:

In September, 1871, immediately after the close of the Franco-German War, France, although depleted and subjected to the payment of a fine of 3,000,000,000 francs to her conquerors, did not ask to avoid the obligation of making compensation to her despoiled subjects. Accordingly the National Assembly provided not only for the payment of all private damages inflicted by the French authorities but also provided for the repayment of all exactions made upon the French subjects in the name of taxes by the German authorities, the same decree appropriating 100,000,000 francs to be placed at once in the hands of the ministers of the interior and of finance, to be appropriated between the most necessitous victims of the war, and appropriated a further sum of 6,000,000 francs among those who suffered the most in the operations attending the attack made by the French Army to gain entrance into Paris. (A translation of the whole decree is appended to S. Rept. 412, 3d sess. 42d Cong., Feb. 7, 1873.)

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As the result of the payment of this ransom the town of Frederick, which under the recent census had a population of a trifle more than 10,000 persons, has been required to carry, and still carries, a large bonded indebtedness, a heavy burden upon the citizens of said town, necessitating the levy of an annual tax for the payment of the interest on said bonds.

The committee believes that the payment of this claim to the loyal town of Frederick will not establish a precedent for the payment of other claims for damage done by the enemy in times of war. This claim has been reported favorably by the Committee on War Claims for the fifth time, but has not heretofore received consideration by the House. When we recall that more than $200,000 worth of Government stores were saved to the Union by the payment of this ransom we do not fear that the passage of this claim will open new roads for the payment of any other claims resulting from the Civil War. We therefore urge the passage of this bill as being in accord with the modern practice of nations, as well as on account of the special circumstances which differentiate it from other claims.

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MINORITY VIEWS.

The minority is unable to concur in the favorable report of this bill for the following reasons:

This claim has been before Congress for many years, but until its presentation to the Sixty-third Congress no claim was made, so far as we are able to learn, that any Government stores were in Frederick at the time the ransom of $200,000 was exacted by Gen. Early. The affidavits, executed years after the happening of the event, are exceedingly unsatisfactory, not only because of the delay in making them, but as well because there is no record in the War Department of the existence of such stores.

The belated claim regarding such stores is based upon affidavits of unconvincing character, and with no explanation as to the failure to file similar proof until the claim was presented to Congress for the fourth time.

The assertion that the delay at Frederick incident to the collection of the ransom resulted in saving Washington is unsupported by the history of the campaign and is doubtless offered as special inducement to the taking of the claim out of its proper class and making an exception favorable to Frederick.

We find no warrant for the statement that the Confederate Army was attracted to Frederick because of the Federal stores, but, on the contrary, the Confederate Army had no knowledge of such stores (affidavit of Jacob Tyson), but did have knowledge that the whole of that territory was devoid of supplies.

The legal precedents cited in the majority report are applicable to foreign invasion, but not to civil strife:

> No Government compensates its subjects for losses or injuries suffered in the course of civil commotion. (Hall's International Law, pp. 222, 223.)

This Government has set no precedent allowing claims of this character arising out of the Civil War. To do so in this instance is to open new roads that will doubtless be industriously traveled by those who spend their time in searching for new avenues leading to the Treasury.

We believe that the passage of this bill will be exceedingly unfortunate, especially at this time, when the financial needs of the Nation are at once so urgent and so insistent.

C. F. Reavis.
B. H. Snell.
Isaac Siegel.
Robert F. Hopwood.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 554.

TO EXTEND TEMPORARILY THE TIME FOR FILING APPLICATIONS AND FEES AND TAKING ACTION IN THE UNITED STATES PATENT OFFICE.

APRIL 17, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. OGLESBY, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 13982.]

The Committee on Patents, to whom was referred H. R. 13982, respectfully report that they have had the same under consideration and recommend that the bill do pass.

The full text of the bill is as follows:

A BILL To extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any applicant for letters patent or for the registration of any trade-mark, print, or label, being within the provisions of this act, if unable on account of the existing and continuing state of war to file any application or pay any official fee or take any required action within the period now limited by law, shall be granted an extension of nine months beyond the expiration of said period.

SEC. 2. That the provisions of this act shall be limited to citizens or subjects of countries which extend substantially similar privileges to the citizens of the United States, and no extension shall be granted under this act to the citizens or subjects of any country while said country is at war with the United States.

SEC. 3. That this act shall be operative to relieve from default under existing law occurring since August first, nineteen hundred and fourteen, and before the first day of January, nineteen hundred and eighteen, and all applications and letters patent and registrations in the filing or prosecution whereof default has occurred for which this act grants relief shall have the same force and effect as if said default had not occurred.

The purpose of the first two sections of this bill is to extend the time for filing of applications and paying of fees on the part of citizens or subjects of foreign countries seeking to obtain patents or the registration of trade-marks or labels in the United States Patent Office, if the filing of such applications, or paying of such fees, or

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taking of other required action is rendered impossible on account of a state of war. Section 2 of the bill limits such privileges to citizens or subjects of countries which extend substantially the same privileges to citizens of the United States. This bill is not only for the convenience of foreign applicants but also for the convenience of citizens of the United States who seek to file patent applications in foreign countries and are unable to comply with the rules of such foreign countries in relation thereto because of a state of war.

Many of the other countries extend privileges to citizens of countries which extend reciprocal privileges. The passage of this bill would enable United States citizens to avail themselves of those reciprocal privileges. Section 2 further limits the provisions of the bill to citizens and subjects of countries at peace with the United States.

Section 3 would operate to validate certain applications and letters patent issued to citizens or subjects of foreign countries in which the Commissioner of Patents has accepted applications executed by attorneys for the foreign applicants within the time limited by statute, and has given the applicants time to substitute therefor applications executed by the inventors themselves. Until the present time it has been held that this practice was not authorized by the statute, and the legality of it is open to question. The passage of this bill would save from default all of the applications, numbering several hundred, which have been so treated by the Commissioner of Patents.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 570.

BRIDGE ACROSS FOX RIVER AT GENEVA, ILL.

APRIL 18, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14387.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14387) to authorize the construction of a bridge across the Fox River at Geneva, Ill., having considered the same, report thereon with amendments and as so amended recommend that it pass.

Amend the bill as follows:

Page 1, line 7, after the word "River," insert the words "at a point suitable to the interests of navigation."

Page 1, lines 11, 12, and 13, and page 2, lines 1 and 2, strike out the words "at a point suitable to the interests of navigation for the purpose of carrying the main line of the Chicago and North Western Railway Company from Chicago to Council Bluffs over the Fox River."

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

[Second indorsement.]

WAR DEPARTMENT, *April 17, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that H. R. 14387, Sixty-fourth Congress, first session, to authorize the construction of a bridge across the Fox River at Geneva, Ill., by the Chicago & North Western Railway Co., amended as indicated in red ink on the accompanying copy, makes ample provision for the protection of the interests committed to the War Department, and, as thus amended, I know of no objections to the favorable consideration of the bill by Congress so far as those interests are concerned.

JOHN C. SCHOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 571.

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

APRIL 18, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 549.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 549) to regulate the interstate transportation of immature calves, having considered the same, report thereon with a recommendation that it pass.

This bill was carefully considered by the Committee on Interstate and Foreign Commerce in the second session of the Sixty-second Congress, many witnesses were heard and the bill was reported favorably, but it went upon the calendar late in the session, and an effort to have it considered by unanimous consent failed.

It was again considered by the Committee on Interstate and Foreign Commerce in the second session of the Sixty-third Congress, and favorably reported to the House, which passed it. It went to the Senate near the end of the Congress and died with the Congress.

This bill is designed to prevent a cruel, disgusting, and dangerous traffic—cruel to animals, dangerous to human health, and disgusting in its revelation of cheap and nasty cupidity in perpetrating upon unsuspecting consumers food unfit for human consumption.

Dr. Francis H. Rowley, of Boston, who appeared before the Committee on Interstate and Foreign Commerce, as he said, "in behalf of all the humane societies in the United States, that are a unit in their indorsement of this bill and their hope that the bill may become a law," and also "in behalf of the one society in the United States that has put up the hardest fight for the past two years that has been put up by any organization in this country to prevent the horrible abuses connected with the shipment of immature calves," said:

This meat (of immature calves) is boned off and made up into sausages and sold to the poor. (Hearings, p. 7.) There are men—and I want you to understand, gentlemen, everything I say to you here to-day I can substantiate by

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facts and figures secured by our agents, and for which we are willing to take our oath—there are men in New York State and in Maine, New Hampshire, and Vermont, knowing the dates when the cows are to calf, and they are there the days the calves are dropped.

In many instances the calves are taken that day. Their legs are tied together and in many cases they are thrown under the boot of a wagon.

They get a carload and then ship them.

The farmer gets from a dollar to a dollar and a half for this little calf.

Now, you know that the Holstein and other breeds will weigh, the day of birth, 50, 60, or 70 pounds dressed, and quite frequently 80 pounds the day when born.

That is a pretty good calf, especially when you blow it up with compressed air.

If they can get this calf through to market, then they get, say, a dollar or a dollar and a half for the hide.

If they can get some inspector to pass it, 60 cents for the liver, 50 cents for the sweetbreads, and from three to six dollars for the carcass.

First, a little return to the farmer of 80 cents or a dollar for the calf, and then one, five, or six dollars to the butcher. (Hearings, p. 9.)

Continuing, Dr. Rowley said:

On May 2 and 3, 1910, there arrived at Brighton 790 calves in carloads in those two days, of which 183 were dead; dead from starvation; dead from utter exhaustion. We had one of the best veterinarians in Boston examine the stomachs, and the inside of the stomach was as dry as the palm of your hand; they had simply starved to death. (Statement Dr. Rowley, Hearings, p. 10.)

Further on he says:

These are simply samples of reports handed me by our agents. I just brought a few of the most notable. Here is another: In six days 1,690 calves were brought over from the State of New York.

Here is a record of one week of 6,056 calves shipped to the New England Dressed Meat & Wool Co. Three hundred of the calves were thrown out by the Federal inspectors as unfit for food.

That Massachusetts is not the only State that has suffered from this is evidenced by a letter I have from the secretary of the Humane Society of Detroit, Mich. He says that—

"The practice of taking young calves from their mothers in warm stables, driving them several miles through frost and snow, allowing them to stand shivering in the snow for half a day before loading them on the train, is a very cruel practice. Many of these calves are thus exposed in shipping from 30 to 90 hours. Outside of the matter of cruelty, such meat is unquestionably unfit for food."

Then, there is also a similar statement from the president of the Connecticut Humane Society. As we began to make it unprofitable to these butchers, they began to turn them into Connecticut, and this is what the president of their humane society writes. He says:

"On April 25 a carload of about 120 calves was received. They were thin, eyes sunken, and apparently a number of them were dead. On being taken from the car, some revived. These calves were shipped without crates. We had an examination made of two dead calves, and nothing was found in their stomachs. Out of the entire number it is believed that 75 per cent were bobs."

Now, you say, why can not this be stopped by State legislation? The attorney general of New York says:

"I find no authority in this provision of law or elsewhere that would justify the commissioner of agriculture to seize shipments of calves destined to a point without the State, under the conditions mentioned in your letter. The above section is intended to prohibit the offering or exposing for sale in the market of calves under 4 weeks of age or when they are not in healthy condition. The shipping therein referred to must be construed as meaning shipping for the purpose of killing within the State and can not refer to the shipping of calves without the State, as the legislature has no authority to prohibit such shipments."

These calves were shipped according to the laws of New York State to "John Smith," a little butcher in Connecticut, Rhode Island, or Massachusetts, as a "dairyman."

Mr. DRISCOLL. Does not this law require that they be shipped in crates or accompanied by their mothers?

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Dr. ROWLEY. They are shipped there in crates, or are supposed to go with their mothers if not crated. The attorney general of New York can not stop it, because they go out to our State in conformity with the law. We can not do anything in Massachusetts except to cooperate with the Federal inspectors and such local inspectors as we can scare into destroying these calves and not allow them to get on the market as food. In many cases we have driven many of these butchers out of this business.

Last Sunday a man came through from New York State following one of these carloads of calves. There is an attempt to evade the law by claiming that they are shipping the dams with these calves, because if they ship the dam with the calf they are complying with the law, even if they are only 1 or 2 days old. They take along old, worn-out dried-up milch cows that are to be made into bologna sausage. They put them into the car with 60 or 70 calves. Capt. Walsh was with us—they unloaded 99 calves and 4 old cows. When these cows come out of the car with the calves they will walk away, with no more thought of the calf than you have of the child walking in the streets of New Orleans now. I have found the teats of these cows raw from the continual sucking of the calves put in with them. (Hearings, p. 13.)

Mr. Benedict, superintendent Stevens-Swan Humane Society, of Utica, N. Y., says:

The skins are worth $1.15 and the stomach is worth 15 cents, making $1.30. (Hearings, p. 6.)

Mr. Benedict followed a shipment of calves from New Berlin, N. Y., to Brighton, Mass.

He says:

Fifty-seven bob calves, none claimed to be over 1 week of age, were brought for shipment at New Berlin and 10 of them were so exceedingly youthful and weak that they were not placed in the car, and they simply placed 47 in the car.

One of the calves brought for shipment was so young that it could hardly stand, and the man who brought it stated that it had "only come last night."

The car started from New Berlin at 11.15 in the morning, and it is fair to assume that these calves had been separated from their mothers up to the time of starting—from two to five hours.

The car stopped at Leonardsville, and 17 more "bob-veal" calves were loaded, and at Bridgewater 15 more were brought in a wagon.

A bob-veal calf is defined to be a calf from 1 day to 1 week old.

The car left Bridgewater at 1.30 p. m.

It was placed in the yard at Utica at 6.50 p. m., and remained there until 1.11 the morning of the 30th, when it was conveyed by a New York Central engine to the New York Central tracks.

The car left Utica at 4.30 that morning and arrived at New Albany at 5.31.

Inasmuch as the shipment was being watched by humane officers, a pretense was made of trying to feed these 78 calves in an hour and a half—between the arrival and departure of the car.

They had two quart dippers and two funnels and pieces of hose attached to the ends of the funnels, so that if any calves could not eat from the pail and the dipper they would raise up their heads and put the rubber hose in their mouths and pour some of the mixture down their throats.

The pails and dippers were perfectly new, and it was apparent that they were going through the cruel farce of pretending to feed these calves—all of them too young to take other nourishment than milk from their mothers—because they were being watched.

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It was claimed that the stuff in the pails was composed of milk and water. There were in all nine pails of this stuff for 78 calves.

Mr. Benedict's testimony was corroborated in detail by Mr. Murray, field secretary of the American Humane Association. (Hearings, p. 32.)

The car left by way of the Boston & Albany Railroad for Brighton yard, a stockyard near Boston, and arrived there at 8.47 p. m. Sunday night, March 31.

At 9.55 that night the calves were unloaded at J. J. Kelly & Co.'s abbatoir to be killed, having been more than 58 hours en route without nourishment, unless the pretense of feeding them at West Albany be called nourishment.

Twelve of them were so weak that they could not stand, and had been trampled upon. They were still alive and were carried to wagons, which transported them and the rest of the carload to a merciful death.

These calves, according to the testimony, arrived in better condition than calves ordinarily arrive, because the shipment was being watched, and because, at the outset, 11 calves were rejected as being no more than a day old.

These shipments are constantly occurring, and the attorney general of the State of New York held, on request for construction of the New York law entitled "Shipping, slaughtering, and selling veal for food," that there is "no authority in the provision of the law or elsewhere that could justify the commissioner of agriculture seizing shipments of calves destined to a point outside the State."

The shipment there referred to must be construed as meaning shipping for the purpose of killing within the State, and can not refer to the shipping of calves within the State, as the legislature has no authority to prohibit such shipments.

Mr. Jefferson Butler, president of the Michigan Humane Association, of Detroit, Mich., in the course of his testimony, said:

Now, this last winter some organization that was perfected there took up the question and went down and they found two carloads of young calves frozen to death on the Pere Marquette Railroad—the cows got through all right—and they asked the reason from experts, and they said it was simply because they were not in a fit condition. They were not old enough to stand that severe weather. I saw a shipment of young calves billed from Kalamazoo to East Buffalo. They were put in one end of a car, and they were not able to lie down; there was simply room to stand up, and when I was there it was 9 degrees above zero. We followed that shipment as best we could, and they were over three days getting from Kalamazoo to East Buffalo. We followed another shipment, and they were six days in that kind of weather, going through in these slat cars where it was only about 12 or 13 above zero. (Hearings, p. 82.)

It is unnecessary to multiply instances in this report.

The traffic is not local.

Dr. A. D. Melvin, Chief of the Bureau of Animal Industry, of the Department of Agriculture, states in a memorandum, supplementing what he said before the committee, that "the shipment for slaughter of very young calves in interstate commerce has grown into a practice. The reports of department agents and officials of State sanitary live-stock boards and of the State and National live-stock humane associations show that shippers of live stock take young calves not yet weaned, and therefore incapable of taking any other kind of

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nourishment than milk, separate them from their mothers, and ship them to distant points in interstate commerce. At the time of slaughter these young animals have often been separated from their mothers for three or four days or more."

In his memorandum, Dr. Melvin refers to reports of department agents, some of which are as follows:

The opinion of Mr. Frank Burke, of Niles, Mich., a well-informed stockman, who expresses the hope that something will be done to put a stop to the cruelty practiced in the shipment of young calves in interstate commerce, is typical of the position of a great many other shippers.

Another well-informed shipper cites a not uncommon case, in referring to a shipment of calves 3 weeks old from southwestern Michigan to Buffalo. These calves could take no food except from their mothers, and were separated from the cows and sent on the journey, which took 48 hours or longer. They reached their destination nearly dead. The following quotation from a letter from Dr. Francis H. Rowley, president of the American Humane Education Society, to the Assistant Secretary of Agriculture, describes the cruelties incident to the shipment of very young calves:

"The difficulty is that these many thousands of young calves which have been shipped into Massachusetts in crates from New York State, where they can only be shipped to be used for dairy purposes, are shipped here to some of our most disreputable butchers and consigned to them as dairy companies. It seems to me that this shipping of them under false pretenses must be a flagrant violation of interstate regulations at least. They are brought from New York State into Massachusetts under an absolutely false pretense, shipped, for example, to the Tom Keenan Dairy Co., when Tom Keenan is as innocent of any purpose connected with them, except to slaughter them, as possible."

The following quotations from reports of inspectors of the department regarding the shipment of very young calves are also pertinent in this connection:

Under date of January 3, 1911, Dr. B. P. Wende, inspector in charge, Buffalo, N. Y., says:

"Such animals are not given any more consideration with respect to feed, water, and rest than other animals, and have often been confined in cars without feed, water, and rest from 38 to 45 hours when unloaded at these yards."

Dr. James S. Kelly, inspector in charge, Cleveland, Ohio, under date of April 4, 1911, writes as follows:

"On yesterday, April 3, there were several mixed shipments of live stock at the Cleveland Union Stockyards from points in Michigan. Among these shipments were a number of very young veal calves. The Cleveland city inspectors tagged out some 40 or 50 which apparently ranged in age from 8 to 14 days, and which were too young to slaughter under the city code. Not being able to slaughter these calves in Cleveland, they were bunched together with others by Bower & Bower, live-stock commission men, for shipment to Armour & Co., Pittsburgh, Pa."

In this connection it should be stated that the establishment at Pittsburgh to which the calves were shipped was not under inspection by the Department of Agriculture.

Here is a letter which Dr. Melvin read to the committee:

This is a letter written by our inspectors at Worcester, Mass. It is addressed to me.

"For your information I wish to advise you that N. Y. C. car No. 26297, containing approximately 140 calves, 5 cows, and a bull, shipped March 23, 1912, from New York, consigned to J. Malone, Providence, R. I., in care of New York Central and B. & R. R., 28-hour limitation, was reported as fed and watered at Albany March 25 at 2 p. m., and arrived at Worcester at 11.30 a. m., March 26, and was transferred to N. Y., N. H. & H. yards at 12.30 p. m. on March 26. There was from March 28, 1912, to March 26, noon, and it was unloaded and fed and watered at 1.30 p. m. At the time of unloading we found 17 calves in one cow bin. Many calves were in a semiexhausted condition and, in my judgment, many calves were not over 10 days old, and the cows were in a very poor condition and were nearly exhausted from being nursed by so many calves. The stock was unloaded in the N. Y., N. H. & H. yards and fed, and the dead ones removed. Ten cans, containing 85 quarts of milk, was given to the calves, some of which were too young to drink. The calves were reloaded at 6.30

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p. m. at Providence, the remaining four cows and the bull were loaded into a separate car and shipped also."

I could have brought up a large number of letters similar to that; but I do not think it is necessary. There is a very great cruelty that ought to be abated in some way. If the States will not do it, the Federal Government ought to do it. That is about all the testimony that I care to give.

Dr. Melvine mentions many other instances, and closes his memorandum with this recommendation:

From consideration of the whole subject it is apparent that the enactment of a statute prohibiting the shipment of immature calves in interstate commerce is needed in order to prevent the excessive cruelty which is now being practiced. The department is unable to recommend prosecution unless the stock are confined in transit beyond 28 hours without water, feed, or rest, or unless an attempt is made to slaughter immature calves at any packing establishment where Federal inspection is maintained. While both these statutes in respect to immature calves are being enforced rigidly by the department, it is clear that additional legislation is needed in order to prevent the cruelty which is still being practiced.

As bearing upon time in transit, Dr. Melvin testified (hearings, p. 18):

This applies to the time that they are in transit. There is possibly half a day to a day before the calves are loaded, and that much time elapses, perhaps, after they are unloaded, so that even when you get the 28-hour proposition, that can be extended to 36 on the written request of the shipper. Then add this additional time before loading and after loading to that 36 hours and you have got two or three days where the animals are absolutely without anything to eat. They want to eat an can not eat, because they haven't learned how to eat, and that pretense that they go through of feeding them is a mere farce.

THE PUBLIC HEALTH.

As to the danger to the public health from the eating of the meat of these calves, we quote Dr. Rowley, as follows:

I have here a letter from Dr. Butler, of the Suffolk District Medical Society. This is the leading medical society of Boston. He says:

"Our committee believes that the weight of evidence is in favor of an age limit for the sale of veal, and not a weight limit, as we favor legislation along these lines."

To defeat the law, some of the butchers want to make it a weight limit of the calf and not an age limit.

Dr. A. T. Cabot, of Boston, writes me:

"I am quite willing, in view of the authorities that you cite, to express my conviction that 'bob veal' is unsuited for human food."

Dr. Herbert Clapp is certainly one of the leading physicians of Boston, and he says:

"During the years of my practice I have seen quite a number of cases of sickness produced by eating veal from immature calves, and some of them were verey severe. I think there should be very stringent laws against slaughtering for food calves during the first few weeks of life (no matter what they weigh), not only because their flesh may be poisonous, but also because to most people who know anything about it the very idea is repulsive."

Dr. Eliot, the former president of Harvard College, when he heard of our contention, wrote me:

"The bill introduced into the Massachusetts Legislature to allow the sale of any calf that will weigh 40 pounds dressed gives no security against the abominable cruelty of taking a newborn calf away from its mother, depriving it of all food, shipping it on long railroad journeys in crowded cars exposed to any extremes of heat or cold, and selling it for human food in this starved and agonized condition. Independently of the question of the wholesomeness of such meat, I think a civilized community has a right to prevent any buying and selling for a money profit which involves such cruelty. Moreover, I can not but think that consumers ought to be protected against all chance of eating

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the meat of any animal which has been in torment for many hours before the moment of killing. Man is by no means the only animal in which suffering and terror set up toxic processes. The fact that thorough cooking may destroy the germs or poisons in a raw food does not invalidate the instinctive and reasonable objection to food which was noxious when raw. We all vastly prefer as food milk, meats, cereals, vegetables, and fruits which are pure and sound, and always have been, to the same materials in which impurity and rottenness have been artificially corrected or rendered imperceptible; and this preference is wise."

Mr. ESCH. Do the medical authorities find that the eating of "bob" veal leads to ptomain poisoning?

Dr. ROWLEY. Yes; the sickness that results could be so called. May I quote to you a paragraph or two from the Department of Agriculture, which has been sending to me articles on this very question? This is on the health condition—on the quality of this food as food or unfit for eating:

"'Bob veal,' or the flesh of immature calves, is objectionable on esthetic grounds and prohibitive from a hygienic standpoint. It is repulsive in appearance owing to the water-soaked condition of the flesh and fat. This condition is due partly to the abundance of water, producing a dropsical condition of the connective tissue constituents, and partly to the presence of certain metabolic products in the tissues which are produced in the fetus as the result of tissue changes or metabolism, and which are cleared away and carried off some time after birth owing to the purgative properties of the colostrum in the milk of the mother.

"Besides reducing its nutritive value, the presence of the greatest amount of water acts also as a good media or fertile soil for germs, and not only lessens the keeping quality of such meat, but actually enables the formation of ptomain poisons, bacterial toxins, tox-albumen, and toxigenic substances which the unsuspecting purchaser of such meat can not detect. As a consequence of eating such flesh profuse and sometimes fatal diarrhea may develop in the consumer, as has been shown in literature. Meat-poisoning bacilli find a ready media for luxuriant growth in 'bob-veal' carcasses even at low temperature."

Now, at the time I published this in a Boston paper a Boston physician came into my office and said:

"Last night a patient of mine died, I am perfectly convinced, from eating 'bob' veal. She ate very heartily, and at 10 o'clock she became very ill, and she died before morning."

There are a number of other quotations here to the same effect. I have also a translation from a distinguished German authority, in which he bears out the same statement that the flesh of these prematurely born calves comes under the head of "spoiled foods" and is not fit to be eaten.

The following statement bears upon the methods by which this meat enters into human consumption:

The following are two instances which I quote from a report given me by the New York State Department of Agriculture: On March 29, 1911, 90 carcasses of calves and 5 barrels of parts of calves—head, liver, etc.—were seized. This consignment was made by one George May. Also, April 8, 1911, the department seized 15 boxes and 4 barrels containing boned-out meat of immature calves. These boxes weighed 50 pounds apiece. The consignment was made by T. Morey, Middleville, N. Y.

The absolute truthfulness of the following I can not vouch for, but a friend of mine asked a large dairyman how he got rid of his newborn calves. The answer was, "Why, there is a chicken-canning factory not far from my farm." I can vouch for the statement that many small boxes have been seen by our agents carried away from places where it has been known these little calves were slaughtered. While we had no right to open the boxes, we were morally certain they contained the carcasses of these little calves boned out. (Hearings, p. 87.)

It appears that the meat of these calves is "blown up with compressed air" to deceive the public.

The hide is sold for a dollar or a dollar and a half.

The liver is sold for about 60 cents.

The sweetbreads for about 50 cents.

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The stomach for about 15 cents.

And that when the meat is not sold openly as fit for food, it is "boned out" and sold for sausage and canned chicken.

TRAFFIC CRUEL AND MEAT UNFIT FOR FOOD.

The issue upon this bill is not as to the cruelty of the traffic.

All the witnesses who appeared before the committee agreed that the traffic is cruel.

The issue is not as to the unwholesomeness of the meat and its danger to the public health.

All the witnesses who appeared before the committee admit that the meat is dangerous to health, and all admit that the traffic is disgusting.

Mr. Boshart, who appeared against the bill, said:

I am not here to argue anything about the immature—this so-called immature bob veal.

Mr. HAMILTON. You do not defend that?

Mr. BOSHART. I won't defend that in any way. I am here to defend an honest industry that not only exists in New York State but in every State surrounding it. I know this traffic has gone on, and I am not here to defend it. I am against it.

Mr. HAMILTON. I am glad to hear you say that.

Mr. BOSHART. They are virtually helpless in the State of Massachusetts to stop the transportation of these immature calves. I will tell you just what it is.

Mr. DRISCOLL. What is that?

Mr. BOSCHART. I do not know much about these conditions, but the bill is all right if it will stop it. I should stop it, and if you people here in Washington deem it proper that this system should be stopped you will stop it, and you will stop it with the four weeks' limitation carried on the statute books. (Hearings, pp. 44–45.)

Mr. Vary, who appeared against the bill, said:

Now, so far as I know, none of the men who are here with me stand for shipping immature veal. We are against it but we do believe veals are mature and fit for food and that they are at the same time better veals at 4 weeks of age than they are at 6. (Hearings, p. 46.)

Mr. HAMILTON. Isn't it customary in certain parts of your State, as well as other States—this practice isn't confined to one State—to let the cow have the calf primarily for the production of milk, the object being to get rid of the calf as soon as possible?

Mr. VARY. The sooner you can get rid of the calf under those circumstances the more profit there is in it.

Mr. HAMILTON. Isn't it true that in many parts of the country they sell the calf very soon, because the calf is in the way, and what they want the cow for is to have a supply of milk?

Mr. VARY. That is, in different sections some do that.

Mr. HAMILTON. Isn't it from that very custom that this cruel custom of shipping immature calves arises?

Mr. VARY. I am not defending that custom at all. That may be. We are against the shipment of immature calves. We are always against it. I speak for the New York State Grange and also for the department of agriculture in our State. We are against that and favorable to any reasonable proposition that tends to do away with it. All we ask is that you fix the age limit at 4 weeks instead of 6, and we will be perfectly satisfied. (Hearings, p. 48.)

Senator Cobb, of New York, who appeared against the bill, declared against the traffic.

Mr. HAMILTON. As bearing upon your reply to Mr. Martin, I hold in my hand a letter from Hon. James Wilson, Secretary of Agriculture, and I would like to have you state whether you agree with his conclusion.

Mr. COBB. I have heard that read. I am just as much against it as you are.

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Mr. HAMILTON. I understood you to say that you were able to take care of the cruelty end of it, if I quote you correctly? You agree with that, then?

Mr. COBB. There is no one who would do more to prevent abuses than we would.

Mr. GOEKE. I would be glad if Mr. Hamilton would read the whole letter.

Mr. COBB. I do not want to rest here and have it understood for a minute that we feel that the Secretary is in favor of permitting cruelty in shipments, or anything of the kind. He wants to do everything he can to stop it, the same as we do.

Mr. SIMS. It is a cruelty to the people who eat these calves more than the cruelty to the animals. I do not want to eat immature things. If they are sold, people will buy them and eat them. The public health is what I am considering more than anything else. (Hearings, p. 59.)

Mr. GEROW, of Washingtonville, N. J., who appeared against the bill, said:

Mr. GEROW. Of course, I think that I voice the sentiment of the farmers, and I think that New York State has been foremost in advocating a pure-food law and doing everything they can to help the consumer in that way. I think that is the past record of the New York organization of farmers. We want to sell no goods that are objectionable.

Mr. HAMLIN. I got that impression from the testimony before this committee, that a great many calves shipped to New York and Boston were not taught to eat, did not know how, and they came into Boston or New York in a starved condition, absolutely unfit for food.

Mr. HAMILTON. And several of them died.

Mr. DRISCOLL. They were very young calves.

Mr. GEROW. They were bob veals, were they not?

Mr. HAMLIN. I presume they were.

Mr. GEROW. We are not asking to ship bob veals.

Mr. HAMILTON. I understand you are not in favor of that?

Mr. GEROW. We do not like it.

Mr. J. G. Curtis, Union Stock Yards, New York, who runs a dairy farm, and is also engaged in the live-stock commission business, testified as follows:

Mr. HAMILTON. You do not bother to teach the calves to drink? I suppose on your farm there are produced—about how many calves will there be produced by the 1st of June?

Mr. CURTIS. Forty or fifty.

Mr. HAMILTON. Forty or fifty calves. It would be quite a job to teach them to drink.

Mr. CURTIS. We do not attempt it.

Mr. HAMILTON. So, after all, it comes to a commercial proposition; you dispose of those calves as soon as you can. They are not taught to drink?

Mr. Saunders, a live-stock commission merchant, of Jersey City, N. J., who appeared against the bill, testified as follows:

Mr. SAUNDERS. Some claim 2 weeks old. You can get a calf 2 weeks old heavier than one 3 weeks old.

Mr. HAMILTON. Are you prepared to argue that a calf a week old, if it should be shipped from some point in Michigan to Cleveland, being obviously unable to take any nourishment, and should be held in Cleveland without any nourishment, and finally shipped down to Armour & Co., at Pittsburgh, Pa., and there slaughtered, are you prepared to say that the flesh of that calf is fit for human consumption, even if you are unwilling to take into consideration the suffering of these poor animals; are you willing to say it is fit for human consumption?

Mr. SAUNDERS. I am willing to say it is not.

Mr. HAMILTON. Are you willing to say it is not cruel? You would say it was cruel to the calf, would you not?

Mr. SAUNDERS. Yes; certainly, to a week-old calf.

Mr. HAMILTON. To a 2-weeks-old calf?

Mr. SAUNDERS. It would be cruel; you know what I mean, it is cruel to load any of these cattle in a car. It is cruel the minute you take these cattle away from their homes, for that matter, whether they are 2 weeks old, 2 years old,

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or 4 years old. It is cruel the moment you take any of these cattle or sheep and put them in the car, and I am not trying to make you people believe it is not cruel to crowd these cattle in the cars; but I do tell you gentlemen the improvements in this business the last two years have been so great that one not in the business would not believe it.

It is clear from the testimony that if 24 hours in transit were permitted, the entire time between the separation of the calf from its mother and its slaughter would be not less than 30 hours, and would probably be nearer 36 hours, because of the time consumed in getting the calf from the farm to the place of loading and the time consumed at destination after unloading and before slaughter.

After the testimony upon the bill as originally introduced had been heard, the first section was changed by adding at the end of the section these words:

Provided, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than six weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than six weeks old, and over three weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed twelve hours.

After making this change, the bill was ordered by the committee to be reintroduced and reported favorably.

Mr. McConnell, secretary of the Tri-State Live Stock Association, which covers northern Indiana and Ohio and southern Michigan, testified as follows (hearings, p. 76):

Mr. McConnell. Our calves there are usually held about five weeks. I personally and our shippers there will not buy anything unless it is first-class veal; in fact, not 1 veal out of 50 I ship but sells at the top of the market. Most of the farmers in Hilldale market and through there prefer to make a calf prime before they let it go, and that takes four or five weeks; they do not like to hold them over five weeks; but they hold them from four to five weeks and make the calf weight 150 to 180 pounds in that time, where they have grade mothers; that is home weight; a Jersey cow will not do it.

Mr. Hamilton. Then, if this bill prescribed that calves should not be shipped under 4 weeks old, it would conform to your views, would it not?

Mr. McConnell. It would; yes, sir.

Mr. Hamilton. What would you say about five weeks?

Mr. McConnell. It would not be so much of a hardship with us, although here is a question to decide. Gentlemen, I confess I think a calf 3 to 3½ weeks old, 3 weeks old more particularly, could be distinguished quite readily; after they got up much beyond 3 weeks, I think it would be hard for anybody to tell their age up to a certain point.

The issue is not as to the cruelty of the traffic or as to its danger to health. It is admitted by everybody that the traffic is cruel and that the meat is unwholesome, but it is claimed that the age limit should be 4 weeks instead of 6 weeks, and that the time of transit should be at least 24 hours.

The case is summed up in a letter of Dr. W. O. Stillman, president of the American Humane Association, printed on pages 87 and 88 of the hearings, as follows:

The American Humane Association,
Albany, N. Y., April 24, 1912.

Hon. Edward L. Hamilton,
Committee on Interstate and Foreign Commerce,
House of Representatives.

Dear Mr. Hamilton: I understand that a hearing was given before the House Committee on Interstate and Foreign Commerce on April 16, 1912, in

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regard to the "bob-veal" bill, H. R. 17222. I am also informed that representatives of dairy farmers from New York, Indiana, and Michigan appeared against the bill.

The contentions of those appearing against the bill, it is said, were—

First. That a 6-weeks age limit would be unreasonable, and that 4 weeks would be sufficient.

Second. That the practice of shipping immature calves is a local matter and confined largely to New York State and Massachusetts, and that the conditions complained of should be cared for in each State and regulated only by local laws.

Third. That immature calves do not suffer greatly in being shipped to market, and that there is a very small loss from either injury or death.

In reply to these claims, this association respectfully submits—

First. That where the 4-weeks age limit holds, large numbers of calves are shipped much under that age and anywhere from 1 to 2 weeks old, or even younger. The constant tendency seems to be, according to the experience of our anticruelty societies, to evade the 4-weeks limit and send the calves to market as soon as possible, for obvious reasons.

From our experience with the 4-weeks limit we are convinced that a 6-weeks limit is positively required and would practically result in large numbers of calves being shipped at considerably under the 6-weeks limit, making the age in actual practice much nearer 4 weeks than 6. In other words, it is desirable to have the limit at least 6 weeks in order to prevent the shipment of calves much under 4 weeks of age.

We claim that a 6-weeks limit is not unreasonable, as the shipment of younger calves is much more likely to be injurious for human consumption, and, furthermore, that it is constantly found in practice that it is the younger calves which are apt to die during transit from starvation and weakness. We submit that this is only reasonable and self-evident.

Second. In regard to the second point, we submit that the shipment of immature calves is not a local matter, confined to any one section, but that it is an abuse which exists everywhere that dairy farming is practiced, as a natural result of the desire to sell the cows' milk as promptly as possible for the increased profit which accrues. Many States have failed to pass laws satisfactorily regulating the shipment and sale of bob veal, and if they did have such laws they would not reach the interstate-shipment abuses. The contention that such cruelty should be controlled under State laws does not work out satisfactorily, even where the State laws are considered efficient.

For instance, under the New York agricultural law, chapter 1, section 106, entitled, "Shipping, slaughtering, and selling veal for food," calves under the age of 4 weeks "can not be shipped or killed for food even when they are accompanied by their dams to the point of destination." There is, therefore, an absolute prohibition to the sale of bob veal. An energetic attempt having been made to invoke this law to prevent an interstate shipment of bob veal, the case was submitted to the attorney general of New York, whose opinion was, in part, as follows: "I find no authority in this provision of the law or elsewhere that would justify the commissioner of agriculture seizing shipments of calves destined to a point outside the State. * * * The shipment there referred to must be construed as meaning shipping for the purpose of killing within the State and can not refer to the shipping of calves without the State, as the legislature has no authority to prohibit such shipments."

If the allegation is true that this is only a local abuse, peculiar to New York and Massachusetts, why should farmers be present from Indiana and Michigan in opposition to this bill, and why should the American Humane Association receive complaints from many remote sections of the United States concerning such abuses?

Third. In regard to the allegation that the shipment of immature calves to market is not associated with any great suffering on their part, I must say that an experience of nearly 20 years in enforcing anticruelty laws, of which about 7 have been connected with the American Humane Association, goes to show that such shipments are attended with frightful cruelty. I note that the evidence brought out during the farmers' hearing in opposition to the bill showed that calves, in interstate shipments, sometimes went as long as 40 hours without food or water. Is this not sufficient evidence that young and unweaned calves should be absolutely excluded from interstate shipment for market and that the calves should be allowed to reach an age when they are stronger and have more resisting power? The constant tendency has seemed

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to be, on the part of shippers of veal, to try to crowd under the age limit just as far as possible without detection and punishment, although in some instances, particularly in the West, much older calves are frequently shipped.

In conclusion, the American Humane Association would respectfully urge that the shipment of unweaned calves and those under 6 weeks of age must necessarily be fraught with great cruelty and suffering; that the use of the flesh of such calves for human consumption carries with it serious danger; that this abuse is found in every State where extensive dairy farming is carried on, and that it will spread with the development of the country; that in order to supply the enormous amount of veal consumed in large cities, amounting, it is claimed, to 215,000 calves per year in New York City alone, that such calves must necessarily come from long distances, and therefore be subject to interstate traffic regulation, if regulated at all; that there are no Federal laws at present which may be invoked to prevent this cruel and dangerous traffic; and that with Congress lies the power and the responsibility to relieve the condition which has become at once dangerous and intolerable.

Earnestly soliciting your support of this bill, I am,

Very truly, yours,

W. O. STILLMAN,
President.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 572.

ISSUE OF SUPPLIES TO CERTAIN MILITARY SCHOOLS AND COLLEGES.

APRIL 18, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TILSON, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4726.]

The Committee on Miltary Affairs, to whom was referred the bill (S. 4726) to permit issue by the supply departments of the Army to certain military schools and colleges, having considered the same, report thereon with a recommendation that it do pass.

The purpose of this bill is to authorize the Secretary of War to issue to educational institutions to which an officer of the Army is detailed certain quartermaster supplies and stores for the establishment and maintenance of military instruction camps. The Secretary of War recommends the legislation in a letter addressed to the Speaker of the House, as follows:

WAR DEPARTMENT,
Washington, January 11, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MY DEAR MR. SPEAKER: I have the honor to inclose herewith a draft of a proposed bill to bring about the issue of shelter tents and field cooking appliances to educational institutions having officers of the Army on duty as professors of military science and tactics.

It is recommended that this bill be enacted into law.

Very sincerely, yours,

LINDLEY M. GARRISON,
Secretary of War.

A similar provision was reported out by the committee and passed the House as part of the army bill (H. R. 12766) which passed the House March 22 last. If that provision shall finally emerge from conference as part of the bill and become law there will be no necessity for the passage of this bill. There is, however, at least one case where it is important to have the authority granted in this bill at an early date. Therefore the committee is unanimous in reporting this bill, which has already passed the Senate, in order to provide against the contingency of delay in passing the other bill, and the further possible contingency of this provision being left out in conference.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 573

EXTENSION OF PRESENT SUGAR DUTIES.

APRIL 18, 1916.—Ordered to be printed.

Mr. KITCHIN, from the committee on conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 11471.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same with an amendment as follows:

In the last line of the Senate amendment to the title strike out the words "manufactures of sugar" and insert in lieu thereof the words *other articles*; and the Senate agree to the same.

The committee of conference has been unable to agree on the amendment of the Senate to the bill.

CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,
Managers on the part of the House.
F. M. SIMMONS,
WM. J. STONE,
H. C. LODGE,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and provide revenue for the Government, and for other purposes," approved October 3, 1913, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate to the title of the bill with an amendment which makes the title broad enough to cover all the articles provided for in paragraphs 177 and 178 of the sugar schedule of the tariff act of October 3, 1913, and covered by the bill.

The committee of conference has been unable to agree on the amendment of the Senate to the bill providing that the present rates of duty upon sugar and kindred articles shall remain in full force and effect until May 1, 1920, and placing the above articles on the free list after that date.

CLAUDE KITCHIN,
HENRY T. RAINEY,
J. W. FORDNEY,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 574.

LOAN OF SUPPLIES TO KNIGHTS OF PYTHIAS ENCAMPMENT.

APRIL 19, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCKELLAR, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 78.]

The Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 78) authorizing the Secretary of War to loan certain tents, bridles, and saddles for the use of the national encampment, Knights of Pythias, to be held at Nashville, Tenn., in August, 1916, having considered the same, report thereon with a recommendation that it do pass, with the following amendment:

Insert after the word "tents," in line 2, page 2, of the joint resolution, the words "saddles and bridles."

This joint resolution was sent to the War Department for examination and report. The department did not recommend the joint resolution because, it was stated, a general law had been passed in 1913 limiting loans of this character to encampments of ex-Union and ex-Confederate soldiers. However, inasmuch as a precedent had been set as to this particular organization in loaning tentage, saddles, and bridles to it at its encampment at Terre Haute, Ind., several years ago, and inasmuch as the organization is quasi or semi military and national in character, it was believed by the committee that the Government should make the loan. A bond is required for the safe return of the property in good order and condition, and the Government is to be put to no expense on account of said loan.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 575.

RIGHT OF WAY THROUGH UNITED STATES MILITARY RESERVATION AT FORT MIFFLIN, PA.

APRIL 19, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. SHALLENBERGER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 13984.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 13984) granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa., having considered the same, report thereon with a recommendation that it do pass with the following amendment:

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

This bill grants to the city of Philadelphia a revocable permit to build a roadway and sewer under the same, across the military reservation at Fort Mifflin, Pa., in order that the city may be enabled to construct a conduit from its sewage disposal plant that will discharge into the Delaware River. The exact location and construction of the roadway, sewer, and wharf is to be determined by the Secretary of War. In a report on this measure, submitted to the committee by the Secretary of War, it is stated that the subject matter of the bill has been considered by the War Department and that there is no objection to the privileges named in the bill being granted to the city of Philadelphia, the interests of the Government being fully guarded by the act.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 576.

PUBLIC ROADS IN NATIONAL PARK AT GETTYSBURG, PA.

APRIL 20, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CRAGO, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 13342.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 13342) to improve and maintain certain public roads and parts thereof included within the limits of the national park at Gettysburg, as defined by the act of Congress entitled "An act to establish a national military park at Gettysburg, Pennsylvania," approved February 11, 1895, and making an appropriation therefor, having considered the same, report thereon with a recommendation that it do pass.

The purpose of this bill is to authorize the Secretary of War to improve certain unfinished portions of roadways within the limits of this park. The Secretary of War recommends the legislation in a letter addressed to Mr. Hay, chairman of the Committee on Military Affairs, as follows:

WAR DEPARTMENT,
Washington, April 5, 1916.

Hon. JAMES HAY,
Chairman Committee on Military Affairs, House of Representatives.

DEAR SIR: I return herewith H. R. 13342, Sixty-fourth Congress, first session, a bill to improve and maintain certain public roads and parts thereof included within the limits of the national part at Gettysburg, as defined by the act of Congress entitled "An act to establish a national park at Gettysburg, Pennsylvania," approved February 11, 1895, and making an appropriation therefor, and beg to invite attention to the accompanying favorable report of the chairman of the park commission.

Very respectfully,

NEWTON D. BAKER, *Secretary of War.*

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The report of the chairman of the park commission is as follows:

WAR DEPARTMENT,
GETTYSBURG NATIONAL PARK COMMISSION,
Gettysburg, Pa., April 1, 1916.

The SECRETARY OF WAR:

We have the honor to submit the following:

When the United States established this commission in 1893, the so-called avenues and the public roads over the battle field, with three exceptions, were ordinary dirt roads, rough at all times, dusty in dry weather, deep with mud in wet weather, and in a general bad condition nine months of the year.

The commission has piked all the avenues except those on the Cavalry Field.

In 1895 a bill passed by the General Assembly of the Commonwealth of Pennsylvania ceded 14 miles of the public roads outside of the borough of Gettysburg, but within the limits of the national park, to the United States. Ten and seven-tenths miles of these public roads were accepted by the United States and the roadways have been piked by the commission. The Emmitsburg Road was ceded and piked 8,663 feet from the borough line southwesterly to the Peach Orchard. The State of Pennsylvania has taken up the work on said road from Confederate Avenue southwesterly, leaving a gap 3,480 feet.

There is a similar gap in the Taneytown Road of 3,965 feet, a total distance of 7,445 feet, which would come immediately under the provisions of H. R. 13342, a bill introduced March 17, 1916, by Hon. C. W. Beales, and the commission respectfully recommends the passage of the bill in the interest of the public.

A blue print illustrating the location of the roads is transmitted.

Respectfully,

JOHN P. NICHOLSON, *Chairman.*

As explained in the letter of the chairman of the Gettysburg National Park Commission, the purpose of this legislation is to connect roads already improved so that it will be possible for visitors to the battle field to get from one improved road to the other at all seasons of the year. No other battle field is visited by so many of our people as the one at Gettysburg, and every effort should be made to render all parts of it accessible to the public. The improvement contemplated appears necessary to accomplish this purpose, and it will add very materially to the splendid work already done in beautifying this historic battle field.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 578.

EXTENSION OF TIME IN WHICH TO MAKE INSTALLMENT PAYMENTS FOR THE LAND OF THE FORMER FORT NIOBRARA MILITARY RESERVATION, NEBR.

APRIL 20, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MAYS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. J. Res. 184.]

The Committee on the Public Lands, to whom was referred the joint resolution (H. J. Res. 184) providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebr., such as are required to be paid for at their appraised value, after full and due consideration thereof, reports the bill back with amendments, and as so amended unanimously recommends that the bill do pass.

Amend the bill in line 4, after the word "of," by striking out the words "the certain," and insert in lieu thereof the word "such."

Line 9, after the word "thirteen," strike out the word "which" and insert in lieu thereof the word "as."

Line 11, strike out the word "extention" and insert in lieu thereof the word "extension."

The joint resolution as amended will read as follows:

[H. J. Res. 184, Sixty-fourth Congress, first session.]

JOINT RESOLUTION Providing for one year's extension of time to make installment payments for the land of the former Fort Niobrara Military Reservation, Nebraska.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to allow entrymen of such lands of the former Fort Niobrara Military Reservation, Nebraska, made under the act entitled "An act to subject lands of the former Fort Niobrara Military Reservation and other lands to homestead entry," approved January twenty-seventh, nineteen hundred and thirteen, as are required to be paid for at their appraised values, one year extension of time in which to make each of the two remaining unpaid installments of the purchase price.

The committee is convinced by the evidence that, due to the crop failure and limited means of the entrymen, it would result in great hardship upon them and probably in many cases in the forfeiture of their claims if payments of installments were exacted when due.

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The lands of the former Fort Niobrara Military Reservation in Nebraska were opened to homestead entry by act approved January 27, 1913 (Stats. U. S., vol. 37, p. 651). This military reservation lies in the territory covered by the act of April 28, 1904, providing that homestead entries shall not exceed 640 acres. By reason of the fact that the lands on one side of the Niobrara River, which extends across the reservation lands, are better than those on the other side, the poorer and more sandy lands were made subject to entry and disposal under the one-section homestead law, above referred to, and were made free homes, while the better lands were made subject to entry in units not exceeding 160 acres and still required to be paid for at their appraised value.

Fourteen thousand three hundred and fifty-five acres thereby became subject to entry under the one quarter-section homestead law and were required to be paid for at the value ascertained by appraisement. These lands were appraised at from $1.25 to $7 per acre, aggregating $56,733. The act required the lands to be paid for by three equal annual installment payments. The first payment was made when the lands were entered, in April, 1914, so that in round numbers, $18,000 has been paid and the payment of $18,000 matures this season.

The extension of time is asked because of the failure last year of the corn crop of the entrymen, which was the only grain they undertook to raise, caused first by the cold and backward season, followed by early frosts, resulting in a small yield of corn, which was soft, hence of little value.

The fact of the cold, backward season, that frost occurred in August in this part of the West, is generally known throughout the United States and the committee is convinced, by oral evidence adduced, that these unfavorable conditions were very damaging to the corn crop of the entrymen of the Fort Niobrara Military Reservation lands. Evidence, oral and written, shows that the corn in that locality was damaged to the extent of from 60 per cent to 75 per cent or more.

The resolution having been referred to the Secretary of the Interior for his report, that official wrote the chairman of this committee as follows:

MY DEAR MR. FERRIS: Referring to House joint resolution 184, to provide for extension of time to make payments on land in the former Fort Niobrara Military Reservation, Nebr., and my report thereon of March 29, 1916, I inclose herewith for the consideration of the committee four letters from homesteaders upon the reservation filed in the department by Hon. Moses P. Kinkaid.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

From the several letters of entrymen referred to in the letter of the Secretary of the Interior and sent by that official to this committee, the letters being lengthy and parts immaterial, for the sake of brevity, we quote a few excerpts as follows:

VALENTINE, NEBR., *November 30, 1915.*

Hon. M. P. KINKAID, *Washington, D. C.*

DEAR SIR: As I am one of the homesteaders on the Government military reservation at Valentine, Nebr., and have made my first payment and lived up to the Government regulations and, as a homesteader, will also speak in behalf of many others like myself, will say in regard to the next payment, that we are in bad circumstances to meet this obligation in the spring of 1916, which comes due to the Government. We have been hit by an early frost, which reduced our corn crop from 50 to 60 per cent, which is hardly living expenses for our families.

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This land was appraised excessive in some cases. I have about 50 to 60 acres of farm land and had to pay $7 for 80 acres of land. So you see it is hard for me and likewise others to meet our payments to the Government in such a short time * * * don't want to lose what we have accumulated. We have lots of debts to meet in proving up and would like to square up with our creditors, which, if there is not something done by our Uncle Sam, we will be in a bad fix. And by the time we would prove up our creditors would have our homes. There are many that don't know where their next sack of flour is coming from, without the help of a friend, so I have been told. I have been chopping out brush in a canyon to get a little more farm ground. This is some of the $7 appraised land.

Now there is a petition to be sent to you. If it does not reach you in the required time, please notify me.

Respectfully,

H. J. YOUNG.

VALENTINE, NEBR., *December 29, 1915.*

Congressman M. P. KINKAID,
Washington, D. C.

DEAR FRIEND: I drew a homestead on the Fort Niobrara Reservation. I wish to say this, the appraisement of this land was a joke if not a crime. The joke is on me. I thought I was getting something for nothing. I spent $4,000 on improvements and on horses and machinery and ploughed and planted. Plenty of rain; no sun; the corn froze. I am holding the empty sack and now our Uncle takes my homestead right and when I finally can't pay, and can't stay, he will take my home and all and I can go back to the anvil and be laughed at. I am working at the anvil now in Valentine to get money to buy groceries.

Respectfully,

C. G. SORENSEN,
A humble homesteader.

VALENTINE, NEBR., *February 4, 1916.*

Hon. M. P. KINKAID,
Washington, D. C.

DEAR SIR: I didn't inform you at all correct. We were just sight guessing at the crop we raised this year on the bad season just passed. Now in regard to what we raised, some of us lost on an average of 75 per cent or worse of the corn crop. I was shelling my corn and by the looks of it you would think that we had twice as much as we get. My corn don't shell out half as much as it looks.

What makes our hearts throb is to think we have large families to support and pay our creditors and then pay Uncle Sam a large sum for this land which is worth no more than the living on them [it], and proving up, which is a big item, for Uncle Sam to get more produce to help feed the world. Why is it our forefathers homesteaded on better farms and land and didn't have to pay a cent outside of their filing fees and got better homes.

Most homesteaders are very saving. They have to be or starve into submission or get off. We must feed and clothe our little ones and try to keep our honesty and integrity by paying for the bread we get and the clothes we wear.

I remain, yours sincerely,

H. J. Y.

VALENTINE, NEBR., *November 20, 1915.*

Hon. MOSES P. KINKAID, M. C.,
Washington, D. C.

DEAR SIR AND FRIEND: At the request of a number of homesteaders I have prepared a petition to be presented to you. I inclose same, and I think it explains itself. I hope you will be able to do something for the relief of these petitioners. Many of these homesteaders are quite poor, and the corn crop is a comparative failure. While considerable corn has been raised, it is of a quality hardly marketable because of the cool summer and early frost.

Very sincerely, yours,

ROBERT G. EASLEY.

The petition referred to in the letter of Mr. Easley is lengthily signed, inferably by most of the entrymen of the lands in question.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 581.

BRIDGE ACROSS MISSISSIPPI RIVER IN AITKIN COUNTY, MINN.

APRIL 20, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 13835.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 13835) to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Page 1, line 7, after the word "River," insert the words "at a point suitable to the interests of navigation."

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT, *April 17, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill No. 13835, current session of Congress, to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township, in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian, is in the usual form adopted by Congress for such measures, and with a slight amendment, which has been indicated thereon, will amply provide for the protection of the interests committed to the War Department.

So far as those interests are concerned, I know of no objection to the favorable consideration of the bill by Congress.

NEWTON D. BAKER, *Secretary of War.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 582.

USELESS PAPERS IN THE TREASURY DEPARTMENT.

APRIL 20, 1916.—Ordered to be printed.

Mr. TALBOTT, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following

REPORT.

[To accompany H. Doc. 905.]

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Acting Secretary of the Treasury in House Document No. 905, Sixty-fourth Congress, first session, dated March 15, 1916, are not needed in the transaction of the current business of such departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

W. L. JONES,
JAMES E. MARTINE,
Members on the part of the Senate.
J. FRED. C. TALBOTT,
WILLIAM S. BENNET,
Members on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 583.

REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

APRIL 21.—Ordered to be printed.

Mr. BARNHART, from the Committee on Printing, submitted the following

REPORT.

[To accompany S. J. Res. 98.]

The Committee on Printing, having had under consideration the Senate joint resolution (S. J. Res. 98) providing for the printing of the final report, complete testimony, and exhibits of the Commission on Industrial Relations, reports the same back to the House with a recommendation that the resolution do pass.

The resolution provides for the printing of 100,000 copies of the final report of the Commission on Industrial Relations in one volume, as originally passed by the House of Representatives, except that the binding shall be in paper instead of cloth. In addition thereto the resolution provides for the printing of 10,000 copies of the complete testimony taken by the commission at its various hearings, together with all the exhibits submitted with such testimony, except its exhibits which are in printed form. It is intended that the printed exhibits shall be referred to in the testimony by title, author, and publisher, so that they may be properly identified and thus made available to any person who desires to obtain such printed exhibits from libraries or publishers that have copies of the same on hand.

The estimated cost of the printing proposed by this resolution is as follows:

100,000 copies final report	$9,729.88
10,000 copies complete testimony (7 volumes of 1,008 pages each)	54,978.84
10,000 copies of exhibits, except those heretofore printed (8 volumes of 1,008 pages each)	27,979.53
Total cost	92,688.25

While this committee unanimously agrees that it is a mistake to bind the reports in paper, as the publication is intended as a reference book and will doubtless be used as such for many years to come, and ought therefore to be bound in cloth, representatives of the Industrial Commission and representatives of organized labor espe-

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cially interested in the prompt publication of these reports signified their willingness before the Senate committee to have the publication bound in paper, and in order to expedite the matter it is the decision of this committee that the provisions of the resolution as it comes to the House shall stand unchanged.

The unencumbered balance of the allotment for printing and binding for Congress for the fiscal year ending June 30, 1916, is $177,268.26. The said Senate joint resolution is as follows:

[S. J. Res. 98, Sixty-fourth Congress, first session.]

JOINT RESOLUTION To print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the final report of the United States Commission on Industrial Relations, including the report of Basil M. Manly, director of research and investigation, and the individual reports and statements of the several commissioners, together with all the testimony taken at its hearings, except exhibits submitted in printed form, which shall be appropriately referred to in said testimony, be printed as a Senate document under the direction of the Joint Committee on Printing; and that ten thousand additional copies be printed and bound in cloth, of which two thousand five hundred copies shall be for the use of the Senate and seven thousand five hundred copies for the use of the House of Representatives; and that of the final report of said commission one hundred thousand additional copies be printed, of which thirty thousand copies shall be for the use of the Senate and seventy thousand copies for the use of the House of Representatives: *Provided*, That the superintendent of documents is hereby authorized to reprint copies of the same for sale or distribution as provided by law.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 584.

TO CONSTRUCT AND OPERATE AN ELECTRIC RAILWAY LINE ON THE FORT BARRANCAS AND FORT McREE RESERVATIONS, FLA.

APRIL 21, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WISE, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany S. 3344.]

The Committee on Military Affairs, to whom was referred the bill (S. 3344) to authorize George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas and Fort McRee Military Reservations, Fla., and for other purposes, having considered the same, report thereon with a recommendation that it do pass.

The report of the War Department to the chairman Committee on Military Affairs of the United States Senate is as follows:

WAR DEPARTMENT,
Washington, January 26, 1916.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: I have the honor to return herewith copy of Senate bill No. 3344, Sixty-fourth Congress, first session, authorizing Mr. George H. Hervey, of Pensacola, Fla., to construct and operate an electric railway line on the Fort Barrancas Military Reservation, Fla., which bill was referred to this department by your indorsement of January 14, 1916, requesting that the Senate Committee on Military Affairs be furnished with any information relative to this measure in the possession of the department.

Referring thereto, I beg leave to advise you that the department will offer no objection to the passage of the proposed bill, but that it is suggested that the bill as drafted be amended by substituting for the word "reservation" in line 6, the word "reservations," and by inserting after the word "Barrancas" in the same line the words "and Fort McRee"; this for the reason that it appears from previous correspondence of record in the department that the privilege desired includes the extension of the proposed electric railway to Fort McRee.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 585.

DESERT-LAND ENTRIES.

APRIL 21, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STOUT, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 1068.]

The Committee on the Public Lands, to which was referred the bill (S. 1068) relating to desert-land entries, having had same under consideration, begs leave to report it back to the House with the recommendation that the bill do pass.

The bill was referred to the Department of the Interior by the Public Lands Committee of the Senate, and the Secretary of that department furnished that committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I have received your request, dated December 17, 1915, for a report upon S. 1068, which proposes to enact:

"That the right to make a desert-land entry shall not be denied to any applicant therefor who has already made an enlarged homestead entry of 320 acres: *Provided*, That said applicant is a duly qualified entryman and the whole area to be acquired under the provisions of this act does not exceed 480 acres."

This bill is identical with S. 3200, Sixty-third Congress, upon which the department, on July 28, 1914, submitted a report, a copy of which is herewith inclosed.

I would again urge the necessity for an amendment of the bill such as suggested in the previous report, removing the possibility of a construction of the law which would allow a 480-acre desert-land entry in addition to an enlarged homestead entry.

Very truly, yours,

FRANKLIN K. LANE, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, July 28, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I have your request for report upon S. 3200, which proposes—

"That the right to make a desert-land entry shall not be denied to any applicant therefor who has already made an enlarged homestead entry of 320 acres: *Provided*, That said applicant is a duly qualified entryman and the whole area to be acquired under the provisions of this act does not exceed 480 acres."

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The act of August 30, 1890 (26 Stat., 391), limits the amount to which title may be acquired by entry under agricultural land laws to 320 acres in the aggregate. The acts of Februray 19, 1909 (35 Stat., 639), and June 19, 1910 (36 Stat., 531), commonly known as the enlarged homestead laws, provide for entries under the conditions therein specified of tracts not exceeding 320 acres in area. The last-named acts have been construed as having so far modified the provisions of the act of August 30, 1890, supra, as to permit a person otherwise qualified who holds 160 acres of land under a desert-land entry to make an enlarged homestead entry of 320 acres, and thereby acquire title to 480 acres in the aggregate. Cate *v.* Northern Pacific Railway Co. (41 L. D., 316). On the other hand, it has been held that the provisions of the act of August 30, 1890, in their application to the qualifications of a desert-land entryman, were not changed by the passage of the enlarged homestead acts (Hopper, 4 L. D., 283). The result is that a person who has perfected an entry or who holds an entry of 320 acres under the enlarged homestead law is not permitted to make a desert entry. S. 3200 proposes to extend the right to make a desert entry for not exceeding 160 acres in such cases.

The department has no objection to interpose to the enactment of the measure; but to more clearly define the limitation sought to be imposed, would suggest the insertion, in line 7, after the word "acquired," of the words "as an enlarged homestead entry and," thus removing the possibility that the act might be construed as allowing a 480-acre desert-land entry in addition to an enlarged homestead entry.

Very respectfully,

A. A. JONES,
First Assistant Secretary.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 586.

PERMITTING CERTAIN REFINED PRODUCTS OF PETROLEUM AS STORES ON STEAM VESSELS, ETC.

APRIL 22, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 11623.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 11623) to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers, having considered the bill, report the same to the House with certain amendments, with the recommendation that it do pass.

Amend the title so as to read:

A bill to amend section 4472 of the Revised Statutes.

Amend line 3 by adding before the word "that" the following:

That section forty-four hundred and seventy-two of the Revised Statutes of the United States of America be, and the same is hereby, amended by adding thereto the following provision: *Provided, however.*

The advisability of this legislation is fully set forth in the following communication from Hon. William C. Redfield, Secretary of Commerce, of date March 31, 1916:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 31, 1916.

MY DEAR CONGRESSMAN: Referring to your letter of the 17th instant, inclosing a copy of the bill (H. R. 11623) to permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers, and requesting that I give the Committee on the Merchant Marine and Fisheries the benefit of my opinion with reference to the merits of this bill and the wisdom of enacting the same into law, I have to advise you that the proposed measure has the approval of this department.

At the time section 4472 of the Revised Statutes, prohibiting the carrying of crude or refined petroleum and other like explosive burning fluids, etc., was enacted, the oil industry was in its infancy, and the expression "refined petroleum" then had reference to oil of an exceedingly low flash point. Since that time, however, the oil industry has been considerably extended, until at present the process of refining crude oil has resulted in obtaining refined petroleum with a flash point of 300° or above, which is not considered particularly dangerous for use as stores on steam vessels carrying passengers, especially if it is carried under proper regulations, to be prescribed by the Board of Supervising Inspectors and approved by the Secretary

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of Commerce. In this connection it will be noted that section 4472, Revised Statutes, has been amended from time to time to relieve steamships of certain burdens resulting from the provisions of the section as originally enacted. Referring to the bill in question, the department offers the suggestion that it should be enacted as an amendment to section 4472, Revised Statutes.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary*.

Hon. J. W. ALEXANDER,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

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64TH CONGRESS, 1st Session. | HOUSE OF REPRESENTATIVES. | REPORT No. 587.

HOMESTEAD ENTRY OF CERTAIN LANDS IN THE STATE OF WASHINGTON.

APRIL 22, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LA FOLLETTE, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 3132.]

The Public Lands Committee, which has had under consideration Senate bill 3132, returns said bill with recommendation that certain amendments be adopted and that as so amended the bill do pass.

Strike out, on page 2, section 2, beginning with the word "successor," in line 20, the rest of the section, and insert in lieu thereof the following:

one who has since said date succeeded to the occupation and interest of any such prior settler, his heirs or assigns, shall be entitled to purchase the lands so occupied, not exceeding twenty acres to each settler, according to the Government surveys and subdivisions thereof, upon payment to the Government of a sum equal to the amount of the appraised valuation of the same; said appraisal to be made under the direction of the Commissioner of the General Land Office, in accordance with regulations to be approved by him: *Provided*, That in making such appraisal no account shall be taken of roads, wharves, or other general improvements in connection with said lands, nor of any improvements made thereon, but the same shall be appraised as nearly as may be as they were at the time when first settled upon: *And provided further*, That payment to the Government may be made in one sum, or one-tenth cash and the balance in nine equal annual installments, with interest at four per centum per annum, as the purchaser may elect.

Amend section 4 by striking out the section and inserting a new section 4, reading as follows:

SEC. 4. That if application to purchase any of the lands described in section one hereof be not filed with the Commissioner of the General Land Office within one year after the approval of regulations for purchase, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July fifth, eighteen hundred and eighty-four, entitled "An act to provide for the disposal of abandoned and useless military reservations.

Amend the title by striking out the words "homestead entry" and insert in lieu thereof the word "sale."

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The Secretary of the Interior in a report made to the Hon. H. L. Myers, chairman Committee on Public Lands, United States Senate, copy of which is transmitted herewith, went fully into the matter of not only this particular military reservation, but of two others in this immediate vicinity that had been disposed of under the act of June 9, 1906 (34 Stat., 229). Said act provided for the sale of the lands after appraisement, with a proviso that settlers on the lands should have the right to enter the lands occupied by them, not exceeding 20 acres, upon payment of $2.50 per acre. A part of the land was so entered and disposed of and the remainder sold at public auction at an average price of $18.30 per acre.

It was no doubt because of the precedent established by the disposal of the two military reserves referred to in the Secretary's report, wherein settlers were allowed to enter at $2.50 per acre that led to the settlement of the lands embraced in the military reserves covered by this bill.

The committee does not consider it wise or expedient for the Government to dispose of valuable lands in that manner and declines to indorse what they consider a bad precedent, but does recommend that these settlers be allowed to purchase at the appraised price, as provided for in the amended bill. And for the reason that the occupant has to pay the full appraised value, do not consider it advisable to require the relinquishment of his homestead right as additional payment; but do require that the land must have been settled upon prior to 1910.

Appended herewith is the report of the Secretary of the Interior, addressed to the chairman of the Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1916.

Hon. H. L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I have the honor to acknowledge receipt of a letter of the clerk of your committee, dated January 7, 1916, transmitting for report Senate bill No. 3132, entitled "A bill providing for the homestead entry of certain lands in the State of Washington, and for other purposes." The bill is similar in its scope to S. 3582, Sixty-third Congress, concerning which this department made a report under date of February 11, 1914.

The bill provides for the survey of certain described tracts into 20-acre lots and that the same shall be conformed as nearly as practicable to the existing local survey. After such survey the lands are to be opened to homestead entry by settlers who were in possession thereof on January 1, 1915, and made settlement thereon in good faith for the purpose of securing a home and have since maintained their claim thereto. At the time of entry such entrymen shall be required to make payment in the sum of $2.50 per acre, and within five years thereof to submit proof in accordance with the homestead laws. In case of failure to make such proof he will forfeit all his rights to the land and to the money paid, and the lands shall be offered at public sale.

In S. 3582 no provision for payment by such settler was made. Section 4 of the proposed law provides that any lands not taken by a homestead entryman within 90 days after the lands become subject to entry shall be disposed of under the act of July 5, 1884 (23 Stat., 103), under which the lands are to be appraised and disposed of for cash at public auction to the highest bidder. This provision was not contained in the former proposed legislation. In the report on S. 3582, made February 11. 1914, the opinion was expressed that the lands in question should be appraised without regard to any improvements thereon and sold to the highest bidders, giving, however, the persons who were settlers on December 1, 1913, a preference right to purchase the land at the appraised price.

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The lands described comprise two reservations, Nos. 23 and 24, being a part of 25 military reservations established by Executive order of September 22, 1866. By Executive order of October 18, 1894, four of said reservations were relinquished for disposal under the act of July 5, 1884 (23 Stat., 103). Two of said reservations were disposed of under the act of June 9, 1906 (34 Stat., 229). Said act provided for the sale of the lands after appraisement, with a proviso that settlers on the lands should have the right to enter the lands occupied by them, not exceeding 20 acres, upon payment of $2.50 per acre, and the submission of proof in accordance with the homestead laws. In the reservations disposed of under said act of June 9, 1906, 702.26 acres were entered by settlers at $2.50 per acre, and 80.63 acres were sold at public sale for $1,476.30. The prices bid at said public sale ranged from $10 to $131 per acre, the average price being about $18.30 per acre.

The status and history of reservations 23 and 24 are set forth in Senate report 206, Sixty-first Congress, second session, Calendar 220. Said reservations comprise 1,249.20 acres according to said report, and there were, at the time said report was made, 32 settlers on each of said reservations. If each of said settlers is permitted to enter 20 acres, this will comprise practically the whole of said reservations. According to said reports, most of the settlers went upon the reservations in the years 1906 and 1907. The lands are situated on the Narrows which separate them from the peninsula on which Tacoma is located. The Narrows are about 1 mile wide. It is believed that the lands in said reservation would bring at a public sale an average of from $15 to $20 per acre. The people who went on said reservations were trespassers. The act of July 5, 1884, above cited, under which they were turned over to this department, is, at the present time, the only law applicable to their disposal.

Under said law, the lands are to be appraised and sold at public auction to the highest bidder. I do not see any reason for a change of views expressed in said report of February 11, 1914, with reference to these lands; namely, that the lands in question should be appraised without regard to any improvements thereon and sold to the highest bidders, giving, however, the persons who are settlers on January 1, 1915, a preference right to purchase the land at the appraised price, and would recommend the substitution of a bill providing for the survey, appraisal, and sale of the lands under said act of July 5, 1884, with a modification that the settlers thereon be given a preference right to purchase the lands at the appraised price.

Very truly, yours,

FRANKLIN K. LANE, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 589.

AMERICAN NATIONAL RED CROSS.

APRIL 24, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WEBB, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 14426.]

The Committee on the Judiciary, having had under consideration the bill (H. R. 14426) to amend section 6 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, report the same back to the House with the recommendation that the bill do pass.

Section 6 of the existing law reads as follows:

SEC. 6. That the said American National Red Cross shall on the first day of January of each year make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department.

The bill reported requires the report to be made on the 1st day of July of each year of its proceedings for the fiscal year ending June 30 next preceding.

The bill as reported was recommended by the Secretary of War in his communication to the House on January 25, 1916, in the following language:

WAR DEPARTMENT,
Washington, January 25, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit the draft of a bill to amend section 6 of the act to incorporate the American National Red Cross, approved January 5, 1905 (33 Stat., 599), so as to make the fiscal year of the Red Cross correspond to that of the Government instead of to the calendar year. The proposed amendment would allow the annual report of the proceedings, receipts, and expenditures of the Red Cross to be transmitted to Congress at the beginning of the session instead of later on in the session as under existing law. It is therefore recommended to the favorable consideration of Congress.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

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The following letter from Hon. Arthur Murray, acting chairman of the American National Red Cross, dated April 10, 1916, fully sets forth the reasons for the proposed legislation:

THE AMERICAN RED CROSS,
Washington, D. C., April 10, 1916.

Hon. EDWIN Y. WEBB,
Chairman House Committee on Judiciary, Washington, D. C.

MY DEAR MR. WEBB: In accordance with your suggestion of to-day, I write to invite your attention to House Document No. 674 (copy inclosed), entitled "To amend section 6 of the act to incorporate the American National Red Cross."

As will be seen from an examination of the document referred to, it is simply a copy of a letter from the Secretary of War transmitting, with a recommendation for the favorable consideration of Congress, a "draft of a bill to amend section 6 of the act to incorporate the American National Red Cross, approved January 5, 1905."

As to the object of the proposed amendment under section 6 of the act of January 5, 1905 (copy inclosed), the American National Red Cross is required to transmit to the Secretary of War on the 1st day of January of each year a report of its proceedings for the preceding (calendar) year, which report is required to be audited by the War Department and a copy transmitted to Congress. In actual practice for years past it has been found impossible to submit this required report to the Secretary of War until a month or so after the 1st day of January, and then as a month or more is required by the War Department to audit it, it results that instead of the report being submitted to Congress near the opening of a session as apparently contemplated by the act, it usually reaches Congress about the end of a session. If section 6 is amended as proposed it is believed that the required report can be audited by the War Department and a copy transmitted regularly to Congress at the opening, instead of the end of a session.

So far as known there is no objection of any kind to the proposed amendment. Its passage will undoubtedly be of benefit both to the American Red Cross and to the War Department, and it is believed that it would be desirable for Congress to have the required report submitted for its consideration at the beginning rather than as now at the end of a session.

Hoping that this explanation of the needs of the proposed amendment will be sufficient to secure the passage of the bill relating to it, I am,

Yours, sincerely,

ARTHUR MURRAY, *Acting Chairman.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 590.

WAGE SCALE IN NAVY AND WAR DEPARTMENTS.

APRIL 24, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GRAY of Indiana, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 9548.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 9548) to regulate the wages of certain employees employed in or under the Navy and War Departments of the Government, having had the same under consideration, report the same favorably with the following amendments, and as amended recommend that the bill do pass:

Page 3, strike out all of section 4, and renumber the succeeding sections in accordance therewith.

The wages of employees in the navy yards at present are fixed under the following provisions of law:

> That the hours of labor and the rates of wages of employees of the navy yards shall conform, as nearly as is consistent with the public interest, with those of private establishments in the immediate vicinity of the respective yards, to be determined by the commandants of the navy yards, subject to the approval and revision of the Secretary of the Navy.

In pursuance of the authority therein granted, a regulation of the Navy Department establishes a wage board in each navy yard to fix the wage scale each year. The report of this board from each navy yard is sent to the department for its revision before the wage scale for each year is fixed. It is the unfailing practice to have naval officers compose the membership of the wage board. The employees of the navy yard have never been given representation on this board. The employees, however, have an opportunity to submit to the wage board such data as they may deem proper relating to the scale of wages paid to employees in private manufacturing plants of like nature in the immediate vicinity, which has been regarded as being within a radius of 100 miles of the navy yard. The wage board itself makes inquiries of private concerns in the immediate vicinity but almost invariably the information given by the private companies to

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the wage board is given with the stipulation that it is to remain confidential and not to be made public as it might benefit competitors. This stipulation has been so strictly adhered to that the employees of the navy yards do not have the opportunity to examine the data received by the wage board and, therefore, have no means of rebutting such information. Therefore, under the present system, not only do the employees have no representation on the wage board, but they have no knowledge of what information or the nature of the information received by the wage board. It is also contended that naval officers who are not habitually investigating wage or labor conditions are not best fitted to come to a scientific determination as to the proper wage to be paid, as their service does not permit them to have such knowledge of conditions as to make a finding by them complete and satisfactory, however conscientious they might be in the performance of such a duty.

The bill under consideration provides that the Department of Labor shall make diligent inquiry at private industrial establishments in the vicinity of navy yards, naval stations, and arsenals as to the wages paid to the different grades of mechanics and laborers in the different trades and occupations, and furnish annually to the Secretaries of Navy and War such information as a basis in determining the schedule to be paid to the different grades of mechanics and laborers employed in navy yards, naval stations, and arsenals. Such information may be examined by the employees or their representative. It is the opinion of the committee that the information derived by the Department of Labor would be more exact and more scientific than the information gathered under the system provided by existing law, as that department is continually engaged in such work.

While under existing law "vicinity" is interpreted to mean within 100 miles, the bill under consideration provides that "vicinity" shall comprise such territory as will afford a fair labor market and a fair comparison of the character of the work.

As a scientific agency of the Government already exists for the obtaining of information of the character required, it is the opinion of the committee that the best interests of the Government, as well as the best interests of the employees, will best be served by having the Department of Labor obtain the information and submit it to the War and Navy Departments as a basis for fixing the wage scale of its employees at its various stations. The committee therefore recommends that the bill as amended do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 598.

CHANGE NAME OF STEAMER "NORMANIA" TO "WILLIAM F. STIFEL."

APRIL 25, 1916.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 12650.]

The owners, the Ottawa Transit Co., of Mentor, Ohio, of the steamer *Normania* wish to change her name to *William F. Stifel.* Because of the indebtedness on said vessel an act of Congress is necessary to effect this change.

House bill No. 12650, which provides for this change of name, has been considered by the Committee on the Merchant Marine and Fisheries, and the committee reports it favorably and recommends its passage.

The bill was referred to the Department of Commerce for report, and the following letter was sent to the chairman of the committee:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 30, 1916.

DEAR JUDGE ALEXANDER: I have received your letter of the 25th instant, inclosing copy of H. R. 12650, a bill to authorize the change of name of the steamer *Normania* to *William F. Stifel*, and requesting me to furnish you with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

It is not possible for the name of a vessel to be changed if there is any indebtedness against her or if she is not seaworthy. It is presumed that in this case there are bonds or other outstanding indebtedness which render a special act of Congress necessary in order to secure the change of name. It has been our practice to approve such bills, provided the vessel has a certificate of inspection in force showing her seaworthiness.

Respectfully,

WILLIAM C. REDFIELD, *Secretary.*

Hon. J. W. ALEXANDER,
Chairman Committee on Merchant Marine and Fisheries,
House of Representatives.

The certificate of seaworthiness required has been furnished by the owners and is on file with the Senate Committee on Commerce.

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The reason for having the name of the steamer changed is that the Ottawa Transit Co. has just purchased such steamer from the Ashtabula Steamship Co., its former owner; that no one connected with the Ottawa Transit Co. is in any way interested in the name *Normania* for said steamer, and that for business reasons in the management of said steamer it is the present owner's desire to change her name to *William F. Stifel*, and that it is desired that the change be made before the steamer goes into commission for the 1916 season, as otherwise there will be confusion in changing the name of the ship and her equipment, in respect to charters and in respect to her certificates required by law.

Consent of the Guardian Savings & Trust Co., as holder of the mortgage upon said steamer, has been filed, and there is also on file certificate of the collector of customs for the district of Chicago, showing the indebtedness of said steamer and particulars as to place where built, age, official number, date and place of inspection and examination, the home port, and the name of the owner of the vessel.

On June 1, 1915, the Ashtabula Steamship Co., then the owner of the *Normania*, gave a mortgage or deed of trust on the steamer to the Guardian Savings & Trust Co., of Cleveland, Ohio, as trustee, to secure an issue of bonds to the amount of $77,000. None of these bonds have yet matured or been paid, and therefore the legislation sought is necessary, and as stated it is recommended by the committee.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 600.

INTERLOCKING DIRECTORATES OF NATIONAL BANKS.

APRIL 25, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. GLASS, from the Committee on Banking and Currency, submitted the following

REPORT.

[To accompany S. 4432.]

The Committee on Banking and Currency, to which was referred Senate bill 4432, which passed the Senate April 11, 1916, having carefully considered the same, recommends that the bill be amended as follows:

On page 2, after line 11, insert the following paragraph:

The consent of the Federal Reserve Board may be procured before the person applying therefor has been elected as a class A director of a Federal reserve bank or as a director of any member bank.

With this amendment the committee recommends that the bill do pass, and appends an extract from the report, No. 288, of the Banking and Currency Committee of the Senate, which gives a clear explanation of the purposes of the bill:

The effect of the passage of this bill will be to permit the Federal Reserve Board to authorize a director of a member bank to serve as a member of the board of directors of two other banks, banking associations, or trust companies, if such other bank, banking association, or trust company is not in substantial competition with such member bank.

It was represented to the committee that the rigid enforcement of the so-called Clayton antitrust law with respect to interlocking directorates would work a great hardship in many cases where men of great banking experience were serving on the boards of more than one bank and where there was no substantial competition between the banks for which they were rendering this service.

Realizing that the purpose of the passage of the Clayton antitrust law, in so far as it affects banks, was to prohibit a practical monopoly of credits through the interlocking directorates of competing banks, the committee is of the opinion that that purpose can be as well served by granting this permission to those banks which are not in substantial competition with each other, requiring, however, that the Federal Reserve Board shall first give its permission, and limiting the discretion of the Federal Reserve Board in the matter to specifically two other banks.

It frequently happens that there are several banking institutions under the same roof having practically the same personnel on the several boards of directors, but the banks in no wise competing with each other; as for instance a national bank and a trust company, the trust company being authorized to do business of a nature which a

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national bank would be prohibited from doing under the national-bank act, and a State bank with a different line of business under State laws.

The Federal Reserve Board was requested to consider this bill and report thereon to this committee, and the board's report is made a part hereof, as follows:

FEDERAL RESERVE BOARD,
Washington, March 8, 1916.

MY DEAR SENATOR: As requested in yours of February 26, the bill introduced by Senator Kern to amend section 8 of the Clayton Act, which is now before your committee, has been submitted to and considered by the board.

It appears that under this bill the restrictions contained in the Clayton Act relating to interlocking directorates will not prohibit an officer, director, or employee of a member bank, or a class A director of a Federal reserve bank, who first procures the consent of the Federal Reserve Board, from being an officer, director, or employee of one or more other banks if such other banks are not in substantial competition with the member bank.

This amendment, if adopted, will give some elasticity to the provisions of the Clayton Act which prohibit directors of other banking institutions from serving as directors of member banks under certain conditions. It would seem to be desirable to have this discretionary power vested in the board, since in many instances the enforcement of the provisions of the Clayton Act will result in depriving a member bank of the services of a director because of his connection with other banking institutions, even though his serving on both boards would not be violative of the spirit of the act.

It is the opinion of the board, however, that some limitation should be placed upon this discretionary power, and it is suggested that the bill should be amended so as to provide that "the Federal Reserve Board shall in no case authorize a director of a member bank to serve on the boards of more than two other banking institutions, or on more than one other such institution located in the same city or town." It is also suggested that the comma appearing after the word "bank," at the beginning of line 12, page 1 of the bill, be eliminated to avoid ambiguity. As the bill now reads it might be contended that the qualifying sentence, "who shall first procure the consent of the Federal Reserve Board," relates to class A directors of Federal reserve banks and not to officers, directors, or employees of any member bank.

While the board realizes that it will be difficult in some instances to determine whether or not two or more banks are in substantial competition, it is prepared to assume this responsibility should this bill become a law. In the opinion of the board, the amendment appears to be a desirable one from many standpoints.

Respectfully,

C. S. HAMLIN, *Governor.*

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 601.

BRIDGE OR BRIDGES NEAR CEDAR POINT AND DAUPHIN ISLAND, ALA.

APRIL 25, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 11616.)

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 11616) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big, also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Page 2, line 10, after the word "Dauphin' insert the word "Island."

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT,
Washington, February 28, 1916.

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

MY DEAR SIR: I have the honor to acknowledge the reference to this department of House bill No. 11616, current session of Congress:

"To amend an act to authorize the Dauphin Island Railway and Harbor Company, its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into

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Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June eighteenth, nineteen hundred and twelve."

By an act approved June 25, 1910, the Dauphin Island Railway & Harbor Co. was authorized, among other things, to construct a bridge across the waterway between Cedar Point and Dauphin Island, the time for commencing and completing the bridge being fixed at one and three years, respectively, from the date of approval of the act. By an act approved June 18, 1912, the time for completion was extended to September 18, 1916, practically an additional three years. It is now proposed, by the bill under consideration, to further extend the life of the privilege until September 18, 1921, or an additional period of five years.

Except in unusual cases involving exceptional conditions as to work and expense, Congress has uniformly limited the life of bridge franchises to three years. This franchise has now been in existence nearly six years, and so far the grantee has not even submitted plans for the proposed structure for departmental approval. Why so long an extension of time is required is not apparent to the department, and the advisability of granting it, contrary to the established practice of Congress in such cases, is suggested for the consideration of the committee.

Otherwise, I know of no objection to the passage of the bill so far as the interests of navigation are concerned.

Very respectfully,

H. L. Scott,
Secretary of War ad interim.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 602.

DAUPHIN ISLAND BRIDGE, ETC.

APRIL 25, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 4476.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 4476) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912, having considered the same, report thereon with a recommendation that it pass.

The following is the report of the Senate Committee on Commerce on this bill:

The Committee on Commerce, to whom was referred the bill (S. 4476) "to amend an act to authorize the Dauphin Island Railway and Harbor Company, its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June eighteenth, nineteen hundred and twelve," having considered the same, report thereon with a recommendation that it pass with amendment.

The bill has the approval of the War Department, as will appear by the following:

[First indorsement.]

WAR DEPARTMENT, *March 24, 1916.*

Respectfully returned to the chairman Committee on Commerce, United States Senate.

Since the foregoing report was submitted the department has been informed that the Dauphin Island Railway & Harbor Co. has graded and built a part of its line on the mainland, and that the work necessary to extend the line and establish temporary communication by boats to operate between Cedar Point and Port Dauphin

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will shortly be completed. Also that the failure of the company to carry its original project to completion has been due to unfavorable financial conditions.

In view of the facts stated and of the considerable amount of work involved in the enterprise, this department is constrained to withdraw any objection, implied in its report of February 25, 1916, to the extension of the life of the grant to September 18, 1921, as proposed in Senate bill No. 4476.

NEWTON D. BAKER, *Secretary of War.*

WAR DEPARTMENT,
Washington, February 25, 1916.

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

MY DEAR SIR: I have the honor to acknowledge the reference to this department of Senate bill No. 4476, current session of Congress—

"To amend an act to authorize the Dauphin Island Railway and Harbor Company, its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June eighteenth, nineteen hundred and twelve."

By an act approved June 25, 1910, the Dauphin Island Railway & Harbor Co. was authorized, among other things, to construct a bridge across the waterway between Cedar Point and Dauphin Island, the time for commencing and completing the bridge being fixed at one and three years, respectively, from the date of approval of the act. By an act approved June 18, 1912, the time for completion was extended to September 18, 1916, practically an additional three years. It is now proposed, by the bill under consideration, to further extend the life of the privilege until September 18, 1921, or an additional period of five years.

Except in unusual cases involving exceptional conditions as to work and expense, Congress has uniformly limited the life of bridge franchises to three years. This franchise has now been in existence nearly six years, and so far the grantee has not even submitted plans for the proposed structure for departmental approval. Why so long an extension of time is required is not apparent to the department, and the advisability of granting it, contrary to the established practice of Congress in such cases, is suggested for the consideration of the committee.

Otherwise, I know of no objection to the passage of the bill so far as the interests of navigation are concerned.

Very respectfully,

H. L. SCOTT.
Secretary of War ad interim.

FORNEY JOHNSTON,
Birmingham, Ala., February 11, 1916.

Hon. O. W. UNDERWOOD,
United States Senate, Washington, D. C.

DEAR SENATOR: The Dauphin Island Railway & Harbor Co., which has undertaken the construction of a railroad across Mississippi Sound to a proposed port terminal on Dauphin Island, desires an extension of time for the completion of its system. It has graded and constructed a part of the line on the mainland between Cedar Point and the southern terminus of the Mobile & Ohio Railroad near Alabama Port, and I am advised that the work necessary to complete this extension and establish communication with the island by boats to operate between Cedar Point and Port Dauphin will be completed in a few weeks—the Mobile & Ohio Railroad having agreed to operate the extension. Owing to general financial conditions, it has, of course, been impossible for this development to proceed; hence, an extension of time is necessary.

The plans for the railroad and drawbridges, etc., have been approved by the War Department. The original act authorizing the construction is found in volume 36, Statutes at Large, page 868. By an act approved June 18, 1912 (37 Stat. L., p. 136, chap. 173), the time for the completion of the bridge in question was extended to September 18, 1916 (62d Cong., 2d sess., H. R. 23799). There seems to be no particular reason why a restricted time limit should be fixed, and a five-year extension has been suggested.

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On the theory that consideration in the House would be more delayed, I have sent to Mr. Dent copy of a proposed bill extending the time for completion to September 18, 1921. Do you think it is reasonably necessary for the bill to be introduced simultaneously in the Senate, in order to avoid any possible chance of its not being acted on at the present session?

I inclose copy of the proposed bill and will greatly appreciate any suggestions from you and your assistance in the matter.

Sincerely, yours,

FORNEY JOHNSTON.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 603.

BRIDGE ACROSS ST. MARYS RIVER, GA. AND FLA.

APRIL 25, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14771.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, to be known as the Dixie Highway Bridge, having considered the same, report thereon with amendment and as so amended recommend that it pass.

Amend the bill as follows:

Page 1, lines 8, 9, and 10, strike out the words "to be known as the Dixie Highway Bridge, in the County of Charlton, in the State of Georgia."

Amend the title so as to read:

A bill granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

[Second indorsement.]

WAR DEPARTMENT, *April 20, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill No. 14771, current session of Congress, "Granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across St. Marys River, to be known as the Dixie Highway Bridge," makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

NEWTON D. BAKER, *Secretary of War.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 604.

ISSUANCE OF MEDICAL AND OTHER SUPPLIES TO AMERICAN RED CROSS.

APRIL 25, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SHALLENBERGER, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. J. Res. 119.]

The Committee on Military Affairs, to whom was referred the joint resolution (S. J. Res. 119) to permit the issuance of medical and other supplies to the American National Red Cross for a temporary period, having considered the same, report thereon with a recommendation that it do pass.

This resolution proposes to permit the issuance of medical and other supplies to the American National Red Cross to be used for the instruction of persons who may volunteer to receive training from that association from May 1 to June 1, 1916. The act of May 8, 1914, authorizes the Secretary of War and the Secretary of the Navy—

to issue each at his discretion and under proper regulations to be prescribed by him, out of equipment for medical and other establishments on hand belonging to the Government and which can be temporarily spared, such articles as may appear to be required for instruction and practice by organization formed by the American National Red Cross for the purpose of rendering aid to the Army and Navy in war.

SEC. 2. That the regulations prescribed by the Secretary of War or by the Secretary of the Navy in pursuance of the authority granted by Section 1, shall provide for the immediate return of the articles of equipment loaned by the American National Red Cross when called for them by the authorities which issued them; and the said Secretaries shall require a bond in each case, in double of the value of the property, for the care and safe-keeping thereof and for the return of the same when required.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 606.

APPROPRIATION FOR THE ORGANIZED MILITIA.

APRIL 26, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CRAGO, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 15005.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 15005) to appropriate $200,000 for training the Organized Militia of any State, Territory, or of the District of Columbia, having considered the same, report thereon with a recommendation that it do pass.

As explained in the following letter from the Secretary of War, the purpose of this bill is to make available at once the sum of $200,000 in order that the War Department, Division of Militia Affairs, may proceed with their arrangements for the training camps for the Organized Militia.

The sum appropriated under the provisions of this bill would be deducted from the amount provided in the regular appropriation bill.

APRIL 14, 1916.

Hon. JAMES HAY,
Chairman Military Affairs Committee,
House of Representatives.

DEAR SIR: In order to afford the Field Artillery and sanitary troops of the Organized Militia an opportunity to attend camps for field training, it is necessary that the camps shall be established early in June and continue until October. Twenty-two batteries, seven field hospitals, and six ambulance companies must attend before June 30. The camps will be occupied to their full capacity by other organizations after June 30 and until the end of the season in which men can attend. Unless, therefore, the organizations scheduled for the periods prior to June 30 are permitted to go at the times designated, they will be deprived of all field training this year. Nine batteries are composed wholly or in part of students of universities, who can not attend camps except immediately after the end of the college year. In addition to the above, it will be necessary to have 22 companies of Coast Artillery attend camp July 2, and preparations must be completed prior to June 30. Before the movements can be ordered funds must be available for the preliminary preparation of the camps, for ammunition, and for the expenses of the troops. The States have been authorized to have all of the foregoing organizations participate in the camps, and the troops have made plans accordingly.

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It was expected by the War Department that the money for which estimates have been submitted for these camps would be appropriated in time to give the States authority for participation. Should any delay occur in the passage of the bill, it would prevent the holding of the camps and the effect would be harmful upon the morals and the efficiency of the militia for whom they were intended.

It is requested that in order to insure the training of these organizations the necessary action be taken to make immediately available as a separate appropriation the sum of $200,000 to meet the expenditures that must be obligated for the camps prior to June 30.

On account of the military situation it may not be practicable to have Regular troops participate in joint encampments at all places, and it is necessary that the appropriation shall permit the expenditure of the money when no Regular troops are present. It is recommended, therefore, that the item be expressed in substance as follows:

"Encampment and maneuvers, Organized Militia: For paying the expenses of the Organized Militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections fifteen and twenty-one of the act of January twenty-first, nineteen hundred and three, entitled 'An act to promote the efficiency of the militia, and for other purposes,' to be immediately available and to remain available until the end of the fiscal year nineteen hundred and seventeen, $200,000.

"*Provided*, That when it is not practicable to obtain the presence of Regular troops for a joint encampment, the funds herein appropriated shall be available for such encampments, maneuvers, and field instruction for the Organized Militia as the Secretary of War may prescribe."

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

MEMORANDUM SHOWING BASIS OF ESTIMATE OF $200,000 THAT SHOULD BE AVAILABLE FOR ENCAMPMENT AND MANEUVERS, ORGANIZED MILITIA, PRIOR TO JUNE 30, 1916.

FIELD ARTILLERY.

Troops.

State.	Pay.	Transportation.	Subsistence.
New York	$3,358.56	$1,948.85	$952.50
Rhode Island	1,771.03	2,400.00	532.50
Connecticut	6,683.98	8,010.00	2,290.00
Wisconsin	911.83	685.00	279.00
Minnesota	4,627.62	4,500.00	1,225.00
Illinois	1,037.46	2,400.00	400.00
Indiana	4,250.00	8,600.00	1,240.00
Colorado	1,983.36	5,195.04	700.70
	24,623.84	33,738.89	7,619.70

Total for troops $65,981.00

Camp expenses.

Tobyhanna, Pa.:		
Hire of 100 horses for 17 days, at $3 per day	$5,100.00	
Forage for hired horses	600.00	
Transportation of hired horses	2,000.00	
Labor for shoeing and care of hired horses	400.00	
		8,100.00
Sparta, Wis.:		
Hire of 100 horses from June 1 to 4	1,500.00	
Hire of 400 horses from June 5 to 14	12,000.00	
Hire of 350 horses from June 15 to 24	10,500.00	
Hire of 150 horses from June 25 to 30	2,700.00	
Transportation of hired horses	0.00	
Forage for hired horses	3,400.00	
Labor, shoeing, etc., for hired horses	600.00	
Preparation of camp and operation	3,000.00	
		33,700.00

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Fort Riley, Kans.:		
Hire of 50 horses from June 1 to 9	$1,350.00	
Hire of 100 horses from June 10 to 30	6,300.00	
Transportation of hired horses	2,000.00	
Forage for hired horses	1,000.00	
Labor for shoeing and care of hired horses, during school for officers and noncommissioned officers and joint camp	800.00	
		$11,450.00
Aggregate for Field Artillery		119,231.00

COAST ARTILLERY.

New York, 22 companies:		
Pay	$21,500.00	
Transportation and boat hire	8,500.00	
Subsistence	9,500.00	
Camp repairs and supplies, scavenger service	1,500.00	
Ammunition	11,000.00	
		52,000.00

SANITARY TROOPS.

Troops.

State.	Subsistence.	Transportation.	Pay.
Missouri	$350.35	$623.80	$1,609.88
California	313.80	1,551.84	1,505.08
Nebraska			
Ohio	1,130.50	6,349.00	4,611.32
Massachusetts	350.40	1,634.40	1,609.88
Connecticut	350.40	750.80	1,609.88
	2,495.45	10,909.84	10,946.04

RECAPITULATION.

Aggregate for Field Artillery		$119,231.00
Coast Artillery		52,000.00
Total for troops	$24,351.33	
Camp expenses	648.67	
Aggregate for sanitary troops		25,000.00
Total for all purposes		196,231.00

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 608.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

APRIL 26, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 9132.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9132) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the Interstate Commerce Commission, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Strike out all of section 2, as follows: "That nothing in this act shall be held to affect or abate any violation of the act hereby amended or any suit or action pending because of such violation at the time of the approval of this act," and insert in lieu thereof the following: "That nothing in this act shall affect, or be held to affect, any suit that may be instituted for recovery of penalty for violation of the act hereby amended occurring prior to the approval of this act, or any suit for such penalty or growing out of alleged violation of the act hereby amended which may be pending in any court at the time of the approval of this act."

The whole question of the hours of labor of employees engaged in the transportation service has in the recent months been very much before the public, and possibly will become a more acute issue within the near future in the course of the developments of the four transportation brotherhoods to secure an eight-hour day through the protective departments. However, this bill for an amendment to the 16-hour law, which proposes to fix a minimum fine of $100 for violations thereof, has nothing to do with the eight-hour movement.

It should not be necessary to say anything on this subject before this committee. A hearing was had on this bill during the last

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Congress, January 26, 1914, at which the statistics were submitted and arguments made on both sides. The committee reported favorably upon the bill and stated succinctly the case for its passage (Rept. No. 975, 63d Cong., 2d sess.). Later, on February 2, 1915, a further hearing was had before a subcommittee of the Committee on Interstate Commerce of the Senate, at which a strong delegation of representatives of the railroads appeared and the representatives of the transportation brotherhoods. The Senate committee made a favorable report upon the bill, but, owing to the peculiar situation in that body and the condition of the calendar, final action was not possible. Since that time the Interstate Commerce Commission, in its Twenty-ninth Annual Report, December 1, 1915, has renewed its recommendation made in previous reports "that the penalty 'of not to exceed $500' be supplemented by a provision for a minimum penalty of $100."

The Interstate Commerce Commission has compiled and published a statistical analysis of carriers' monthly hours of service reports for the years 1913, 1914, and 1915, and our opinion is that when the 1913 analysis came out it showed such a staggering total of instances of excess service and indicated such deplorable conditions on many of the roads that the carriers were themselves ashamed of their record and have put forth efforts to alleviate this condition.

The report of the commission for 1915 contains the following (p. 51):

> Of the certified reports of 1,238 carriers filed during the year, 819 report that no excess service was either required or permitted upon their respective lines of railroad; the remaining 419 carriers report an aggregate of 78,940 instances of excess service of all classes beyond the statutory periods.
>
> The statistical analysis of these reports shows a marked improvement as compared with former years, the total number of instances of excess service reported being 78,940, which is 86,365 less than the number reported for last year and 222,803 less than for the preceding year. It is believed that the number is still unduly large and that further efforts should be made to avoid the retention of employees on duty beyond the prescribed periods.

Any number of instances of service in excess of 16 hours is "unduly large" and we agree with the report of this committee, above referred to, that "the adoption of this amendment will undoubtedly tend to a strict observance of the law."

It has been suggested that a minimum fine in an act of this kind would be an exception to the general rule, but it is believed that an examination of the various acts passed by Congress to regulate railroads will show that the laws that have been passed for the protection of life and limb have been almost universally weaker in their penalty provisions than others, and that this amendment, instead of being exceptional or unreasonable, will make the 16-hour law conform more nearly to the provisions of the other acts.

A violation of the act to prevent cruelty to animals while in transit, commonly known as the 28-hour law, is punishable by a "penalty of not less than $100 nor more than $500." Comparing this provision with that in the hours-of-service act, one would be justified in assuming that in the eyes of Congress the care of animals in transit was a matter of more concern to the public welfare than the condition of the man who holds the throttle or shovels the coal or tends the brakes or takes the orders that governs the movement of the train on which the cattle are being hauled.

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The following is a digest of the penalties fixed by acts regulating railroads administered by the Interstate Commerce Commission:

The act to regulate commerce in general, as amended June 29, 1906, April 13, 1908, June 18, 1910: "Not to exceed $5,000 for each offense * * * and imprisonment in the penitentiary for a term of not exceeding two years, or both fine and imprisonment, in the discretion of the court."

Same, for giving or receiving information relative to shipments: "Not more than $1,000."

Same, failure to keep accounts or records as prescribed by the commission or to allow inspection thereof: "The sum of $500 for each such offense and for each and every day of the continuance of such offense."

Same, false entry in accounts or records, or mutilation of accounts or records, or for keeping other accounts than those prescribed: "Not less than $1,000 nor more than $5,000, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment."

Same, special examiner who divulges information without authority: "Not more than $5,000 or imprisonment for a term not exceeding two years, or both."

The Elkins Act, as amended June 29, 1906: "Not less than $1,000 nor more than $20,000 for each offense."

Government-aided railroad and telegraph act, August 7, 1888; failure to comply with act or orders of the commission: "Not exceeding $1,000, and may be imprisoned not less than six months."

Same, penalties for refusal to make reports to the commission: "Not less than $1,000 nor more than $5,000."

Free passes and free transportation prohibited: "Not less than $1,000 nor more than $2,000."

Compulsory testimony act, February 11, 1893: "Not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment."

Safety appliance acts, as amended April 1, 1896, and subsequently: "Penalty of $100 for each and every violation."

Accident reports act, May 6, 1910, failure to make reports within 30 days after end of any month: "Not more than $100 for each and every offense and for every day."

Hours-of-service act, March 4, 1907: "Not to exceed $500 for each and every violation."

Ash-pan act, May 30, 1908: "Penalty of $200 for each and every violation."

Boiler-inspection act, February 17, 1911: "Penalty of $100 for each and every such violation."

Care of animals in transit, to prevent cruelty to animals in transit: "Not less than $100 nor more than $500."

The courts have taken advantage of the latitude allowed by the statute, and the widest possible variation has existed in the amounts assessed, although in a remarkably few number of cases the maximum penalty has been imposed.

In a tabulation of 271 cases, embracing 4,265 counts in which violations have been made out and penalties imposed by the courts, the following is shown:

In 4 counts costs were assessed; in 6 counts 1 cent was assessed; in 18 counts 6 cents was assessed; in 1 count $1 was assessed; in 20 counts $1.25 was assessed; in 2 counts $2.50 was assessed; in 15 counts $3 was assessed; in 5 counts $3.40 was assessed; in 24 counts $4.16 was assessed; in 21 counts $4.76 was assessed; in 51 counts $5 was assessed; in 2 counts $5.50 was assessed; in 20 counts $5.56 was assessed; in 8 counts $6.34 was assessed; in 15 counts $6.67 was assessed; in 20 counts $7.50 was assessed; in 7 counts $7.85 was assessed; in 75 counts $8.34 was assessed; in 16 counts $9.38 was assessed; in 525 counts $10 was assessed; in 602 counts amounts between $10 and $25 was assessed; in 511 counts $25 was assessed; in 503 counts amounts between $25 and $50 was assessed; in 631 counts $50 was assessed; in 312 counts amounts between $50 and $100 was assessed; in 696 counts $100 was assessed; in 145 counts amounts between $100 and $250 was assessed; in 2 counts $250 was assessed; in 1 count $300 was assessed; in 7 counts $500 was assessed.

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In all except nine counts out of the total 4,265, the penalty assessed was less than $250, which is the mean.

The average per count for all violations prosecuted to judgment was $37.58.

INTERSTATE COMMERCE COMMISSION,
Washington, February 16, 1916.

Hon. WILLIAM C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

MY DEAR JUDGE ADAMSON: In regard to House bill 9132, entitled "A bill to amend section 3 of an act entitled 'An act to promote the safety of employees and travelers upon railroads by limiting the hours and of service of employees thereon,' approved March 4, 1907," referred to this commission for an expression of its views with respect thereto, it appears that the only change from the existing law which this bill would effect, if enacted, would be to fix a minimum penalty of $100 for a violation of the act to which this is a proposed amendment. This proposed change is in accordance with recommendations of the commission heretofore made, and would bring this provision in harmony with other provisions of the law wherein minimum, as well as maximum, penalties or forfeitures are provided.

Very truly, yours,

C. C. MCCHORD, *Chairman.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 609.

PREDACIOUS FISHES AND AQUATIC ANIMALS.

APRIL 27, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HINDS, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany S. 4401.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals, report the same back with the recommendation that the bill do pass.

This bill is substantially the same as the bill (H. R. 11254) which is on the House Calendar (Rept. No. 309, Union Calendar No. 60).

Section 1 of the House and Senate bills are the same.

Section 2 of the House bill down to the semicolon in line 12 is the same as all of section 2 of the Senate bill.

Section 3 of the two bills are practically the same, with the exception that the Senate bill makes the appropriation of $25,000 immediately available on the passage of the act.

The Senate bill is as follows:

AN ACT To conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Fisheries be, and he is hereby, authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals.

SEC. 2. That the said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food, and to encourage the establishment of fisheries and markets for them.

SEC. 3. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Fisheries to carry out the provisions of this act, the same to be immediately available.

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The report of Senate committee is as follows:

[Senate Report No. 252, Sixty-fourth Congress, first session.]

The Committee on Fisheries, to whom was referred the bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals, having considered the same, report thereon with a recommendation that it do pass in a new draft herewith submitted.

FEBRUARY 17, 1916.

The SOLICITOR DEPARTMENT OF COMMERCE:

In reply to your letter of February 14, requesting an expression of opinion of House bill 11254, "To conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals," I report thereon as follows:

This bill is intended primarily and immediately for the relief of the fishermen of the Atlantic coast and, eventually, those of the Pacific coast, from the effects of the ruinous inroads of dogfishes. These are small sharks, which congregate in schools, and there are two species common on the Atlantic coast—the spiny dogfish found north of Cape Cod and the smooth dogfish occurring in a more southerly habitat. These differ more or less in habits, but are alike in being great nuisances on account of their practice of eating baits and seizing the food fish caught on lines and in nets. It is not believed by the bureau that the smooth dogfishes, at least, destroy very considerable numbers of free fish—that is, those which are uninjured or untrammeled by nets. The food of the smooth dogfish consists mainly of bottom animals, mussels, scallops, sea snails, crabs, starfishes, etc., and it also, unlike the spiny dogfish, whose food is less known, in certain places and at certain seasons destroys considerable numbers of lobsters. The stomachs of both species often contain food fishes and fragments of fishes, but there is good reason to believe that they come largely from lines and nets.

The fishermen justly regard these small sharks with strong disfavor as sources of annoyance and of very considerable loss to the fisheries; and in many places fishing has to be abandoned when the dogfishes appear.

Three methods of meeting this situation have been proposed: (1) To offer a bounty for the destruction of the fishes; (2) to establish a number of Government-owned reduction works for their conversion into fertilizer and oil, paying for the fish in excess of their economic value in order to induce the fishermen to catch them; and (3) to endeavor to establish them in the markets as a food fish, using the liver, oil, eggs, and skins as economic by-products.

The first two proposals are predicated on the assumption that the dogfishes can be exterminated or materially reduced in number, a belief to which the bureau can not subscribe. Both of the little sharks are found on the European and American coasts, and they range over the greater part of the North Atlantic. They are highly nomadic, and a school on the coast one week may be far away the next and may never return. Their wanderings are so wide, their numbers so great, and the reservoir from which the coastal visitors may be drawn is so vast that it is futile to expect that catching them at even a considerable number of places along shore can have a material effect in reducing their numbers.

If these fish could be utilized for fertilizer at even a small profit there would be justification for their use in that way, but the experience of the Canadian Government, which operates three dogfish reduction works, shows that they can be converted into fertilizer only at a heavy loss, and this experience is corroborated by this bureau's investigations of the oil and fertilizer constituents of the fish.

The proposition to pay a bounty without utilizing the fishes is open to obvious objections.

While the bureau is opposed to these proposed measures on account of their impracticability and economic unsoundness, it is in sympathy with their purpose, and it believes that H. R. 11254, on which you now ask an opinion, affords an opportunity to attack the problems involved and in the course of time to solve them in a manner to afford relief to the fishermen and benefit to the people as a whole. The belief is entertained that the proper method of procedure is not to exterminate the dogfish by indiscriminate destruction, but to convert a nuisance into an economically useful product and a source of profit. It is believed that the only way in which this can be accomplished is to induce the utilization of this pest as food. Although this has been scoffed at by some who would be the first and principal beneficiaries, the project is practical and economically sound. The dogfish is not eaten in the United States

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solely on account of prejudice. It is palatable and nutritious, and its food is but little different from that of the haddock and other valued food fishes. It is extensively eaten in Europe, and during the past few years it has grown in favor in England, where 5,000,000 pounds, with a value to the fishermen of $82,000, were marketed in 1914. This large and increasing production of a cheap and excellent food is a boon to the people at large, while the fishermen receive about $28 per ton for their catch as against $8 which they would receive if the Government were to engage in the unprofitable production of fertilizer under the conditions recently proposed in this country.

To introduce the dogfish or any other unutilized fish into consumption in the face of general prejudice and ignorance of its qualities and the lukewarm interest of the fishermen themselves will require time and a well-considered practical campaign. It will involve demonstrations and publicity to acquaint the people with the qualities of the fishes and the methods of cooking and preparing them and marketing experiments on a commercial scale. H. R. 11254 appears to give authority for effective work of this character, and, moreover, it makes it possible to extend it not only to the dogfish, but to other marine pests of equal or greater destructiveness. The bureau regards the bill as a piece of valuable constructive legislation, and urges that it be given favorable consideration and passed.

I am inclosing a memorandum on the dogfishes which was submitted to a preceding session of Congress when a similar measure was under consideration.

H. M. Smith, *Commissioner.*

MEMORANDUM RESPECTING DOGFISHES.

The dogfishes are little sharks, weighing, when adult, from 5 to 15 pounds. They get their popular name from their habit of traveling in large schools or packs like dogs or wolves, and their chief present interest to the fishermen arises from their predacious habit and ravenous appetites. They feed solely on animal food, which they get wherever it is most readily obtainable, and on the fishing grounds this is usually on the trawl lines or in the nets of the fishermen.

Trawl lines are long stout lines to which shorter lines, each with a hook, are attached at intervals of about 6 feet. They are stretched on the bottom, held in place by suitable anchors, and marked by buoys, and as a single dory or fishing boat will often fish several thousand hooks, each baited with a piece of herring, alewife, or other fish, the fishing banks are strewn with food which the dogfish finds acceptable and readily obtainable. When a school of dogfish appears they greedily seize these baits and either carry them away or are themselves hooked, the result to the fishermen being essentially the same in either case, for the line, set for merchantable fish, is either denuded of its lures or is loaded with dogfish for which the fisherman can find no market. The address and rapacity of these pests is such that when they are on the banks or along shore in large bodies the baits are seized before the valuable fish can take them, and the fisherman loses his time, the labor expended in setting and hauling his lines, the value of his bait, and all of the other items which enter into the expenses of the fishery.

In the case of the gill-net fishery the dogfishes are attracted by the helpless food fishes enmeshed in the nets, and they either tear them bodily away and devour them or bite them in two, leaving nothing but the head to show where a valuable fish had been. Worse than this in some respects is the damage wrought to the nets, the sharp teeth of the dogfish cutting the like shears and often leaving of the poor fisherman's property little but a string of tatters attached to the foot and lead lines.

Under these conditions the fisherman can do nothing to protect himself, and his only recourse to save his property and avoid an utter waste of efforts is to abandon the fishery, often his only source of livelihood, until such time as his enemy has departed. This is no rare occurrence, but a common one on all parts of the New England coast, over a wide stretch of the Pacific coast as well, and to some extent on the shores of the Middle Atlantic States. Even the purse seiner fishing at sea will sometimes inadvertently inclose a school of dogfish and have his net cut and torn to pieces, the pound-net fisherman along shore will find his trap filled with dogfish to the exclusion of fish of value, and lobster pots take dogfish instead of lobsters.

The loss entailed by the destruction of gear and the enforced abandonment of the fisheries by all classes of fishermen over wide areas amounts to large sums annually. The Massachusetts Fish and Game Commission states that the observable damage to the fisheries of that State alone can be conservatively estimated at not less than $400,000 per year, and this loss to those immediately concerned must have its reflex in the increased cost of fish to the consumer. The effects of the dogfish nuisance,

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therefore, are not only observable over a considerable part of the immediate coast line, but are indirectly distributed over the large section of the country depending on the sea for its supply of fish. Owing to the abundance of the dogfishes, their wide distribution, their remarkable swimming powers, and their wandering habits, which carry them over broad expanses of the seas in which they live, it is probable that but little can be done toward the material reduction of their numbers. A school marauding on the coast one week may be far away the next and its place may be occupied by another host that has come from an unknown distance in the open sea. If they can not be exterminated, the only economic solution of the problem which they present is that they should be utilized and the curse of their presence converted into a blessing. This can be done only in accord with sound economic principles. A bounty, aside from other objectionable features, merely distributes the loss and can have no other effect. It acts like a system of fire insurance with no provision for preventing fires or minimizing their destructiveness. The loss still exists, but its burden is borne by a larger number of persons.

Leaving out of consideration certain secondary or subsidiary uses, principally of waste parts, fishes are economically utilized for fertilizer and for food. For the first purpose they must be cheap as compared with other species which are abundant in fairly regular supply, easily caught and easily handled. If the dogfish be economically available for the manufacturer of fertilizer it will be utilized by factories privately owned and always on the watch for a supply of suitable and cheap raw material. There is no doubt that fertilizer of good quality can be produced from dogfish, the only question being whether the fish can be obtained at a price low enough to show a profit on operations. If they can not be profitably used by private works, there is no reason to suppose that they can be by those under Government control.

The value of the fish will be governed competitively with other fishes, and if the price be arbitrarily fixed too low the fishermen will not supply the fish, and if too high, as in bills proposed for the establishment of Government reduction works, there will be an operating loss and the excess price of raw material will be in effect a bounty to the fishermen.

None but the cheapest fish will be used for fertilizer, and, considering the heavy wear and tear on gear involved in taking dogfish, it is doubtful if they can be taken profitably except for food, and that appears to be the only means by which they may be converted into an economic product. That they are not at present eaten in the United States is no justification for the belief that they can not be introduced into the national diet. There are numerous instances of despised fishes and other aquatic animals attaining high favor after their qualities became known. Within a comparatively recent time the sturgeon, especially in the Great Lakes, was regarded as a nuisance and ruthlessly destroyed, but to-day a single large female fish may sell for as much as $150. The silver hake of the New England coast was formerly wholly unutilized, but is gradually coming into the markets; the catfishes are becoming high-priced fishes, and frogs are regarded as a delicacy, and the subject of frog farms is exciting interest as a source of profit. Instances might be multiplied.

The failure to eat dogfish in the United States appears to be due to prejudice against them rather than to any lack of nutritiousness of palatability. There are two species of dogfishes on the Atlantic coast, the spined or horned dogfish, which has the more northern range, and the smooth dogfish, which is generally more abundant south of Cape Cod. These differ somewhat in the character of their flesh, the spined species being more oily and resembling in composition the medium grades of salmon. This fish is well suited for canning. The smooth dogfish is drier and when used fresh its flavor and qualities have been likened to those of halibut and swordfish. Neither of these fish has objectionable or unclean feeding habits, one feeding on organisms similar to jelly fishes and possibly on true fishes, and the other on crabs, starfish, and other bottom-dwelling animals. Both, so far as food is concerned, resemble other fishes highly esteemed on the table. Their flesh is white and in external appearance they are not repulsive; their skins secrete little mucus and they never look slimy like cod and haddock when massed in the holds of vessels. They are eaten extensively in various parts of Europe. In Norway and Sweden they are used both fresh and salted or dried. In England, where there was formerly the same prejudice existing as in the United States, the spined dogfish has emerged from its odium and is gradually assuming a position of importance as a food fish, about five and one-half million pounds being used in 1912. In the fried-fish shops it masquerades and is readily eaten as plaice, one of the most popular of English fishes, thus demonstrating that the elimination of prejudice against it is a prime factor in its introduction into consumption.

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Certain secondary products of the dogfish could probably find a market if the value of its flesh could be established. The liver is rich in oil, having most of the qualities of cod-liver oil; its skin makes an attractive leather, and is unsurpassed abrasive for fine wood and ivory workers, and the fins are rich in gelatine. All of these utilities should be convertible into profit, and if they can be availed of on a commercial scale the dogfish problem could be solved to the satisfaction of both fishermen and the consuming public, and a heavy annual industrial loss would be converted into a profit.

This bill is intended to provide authority and means for the attempted attainment of these ends by inducing the consumer to recognize the qualities of the dogfish and other waste fishery products and in educating the fishermen to prepare them and market them in such manner as will conduce to that result. It is a practical measure, and it is believed that it will yield practical results.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 610.

LEAVE OF ABSENCE AT NAVY YARDS, GUN FACTORIES, ETC.

APRIL 27, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FARR, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 11168.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 11168) granting 30 days' leave of absence in each year, without forfeiture of pay during such leave, to employees at United States navy yards, gun factories, naval stations, and arsenals, having had the same under consideration, unanimously report the same favorably with the following amendment, and as amended recommend that the bill do pass:

Lines 7 and 8, strike out the proviso, which reads, "*Provided*, That pro rata leave with pay shall be allowed to those serving fractional parts of a year," and in lieu thereof insert the following: "That it shall be lawful to allow pro rata leave only to those serving 12 consecutive months or more."

Under existing law mechanics and laborers in the navy yards receive 15 days leave of absence without forfeiture of pay, while the clerical forces in the executive departments in Washington receive 30 days' leave, as also do the employees of the Bureau of Engraving and Printing, Government Printing Office, Immigration Service, and Customs Service. About 40,000 employees of the Government are now enjoying the status of 30 days' leave without forfeiture of pay.

The committee believe that this discrimination against the employees at the navy yards, gun factories, naval stations, and arsenals should not continue longer and that the increase to them of the leave of absence from the 15 days, as now granted, to 30 days would be proper and just.

The bill under consideration, as amended, does not change existing law in any other respect than to increase the leave of absence from 15 to 30 days to these particular employees.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 611.

NUMBER OF CADETS AT MILITARY ACADEMY.

APRIL 27, 1916.—Ordered to be printed.

Mr. HAY, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany S. 4876.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4876) entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, and 6, and agree to the same.

Amendment numbered 2:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *twenty of whom shall be selected from among the honor graduates of educational institutions having officers of the Regular Army detailed as professors of military science and tactics under existing law or any law hereafter enacted for the detail of officers of the Regular Army to such institutions, and which institutions are designated as "honor schools" upon the determination of their relative standing at the last preceding annual inspection regularly made by the War Department*; and the House agree to the same.

Amendment numbered 5:

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *in number as nearly equal as practicable*; and the House agree to the same.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
H. A. DU PONT,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House on the disagreeing votes of the two Houses on S. 4876, entitled "An act to provide for an increase in the number of cadets at the United States Military Academy," make the following statement:

House amendment No. 1 strikes out the word "sixty" and inserts the word "eighty," and the Senate recedes.

House amendment No. 3 strikes out and inserts the same words, and the Senate recedes.

House amendment No. 4 inserts the words "congressional or" on page 1, line 10, and the Senate recedes.

House amendment No. 6 strikes out the words "two hundred" and inserts the words "one hundred and eighty," and the Senate recedes.

House amendment No. 2 was an amendment providing for appointments from honor schools of certain graduates of those schools. The House receded with an amendment changing the verbiage, but not the substance, of the House amendment.

House amendment No. 5 reads as follows: "in as near equal proportion as possible," and the House receded with the following amendment: "in number as nearly equal as practicable."

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 613.

TO PREVENT THE DESECRATION OF THE UNITED STATES FLAG.

APRIL 28, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 14822.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 14822) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America, having considered the same, report it back to the House with the recommendation that it pass with the following amendments, to wit:

Page 1, line 9, after the word "any" and before the word "flag," insert the word "such."

Page 3, line 13, strike out the word "or."

As the purpose of this bill is to prevent desecration of the flag of the United States, and as it is believed that the said purpose is attained in the bill it is deemed that nothing further can be said in behalf or in explanation of it.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 614.

BRIDGE ACROSS THE YELLOWSTONE RIVER.

APRIL 28, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14823.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14823) permitting the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana, having considered the same, report thereon with amendment, and as so amended recommend that it pass.

Amend the bill as follows:

Amend the title to read as follows:

A bill to authorize the Savage Bridge Company to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT, *April 24, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill No. 14823, current session of Congress, "permitting the Savage Bridge Co. to construct, maintain, and operate a bridge across the Yellowstone River in the State of Montana," is in the usual form adopted by Congress for such measures, and with slight amendment, which has been indicated thereon, will amply provide for the protection of the interests committed to the War Department. So far as those interests are concerned, I know of no objection to the favorable consideration of the bill by Congress.

NEWTON D. BAKER, *Secretary of War.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 615.

BRIDGE ACROSS THE MISSOURI RIVER.

APRIL 28, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14483.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14483) to authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak., having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

WAR DEPARTMENT, *April 25, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill No. 14483, current session of Congress, "To authorize the construction of a bridge across the Missouri River at or near the city of Williston, N. Dak.," makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress, so far as those interests are concerned.

NEWTON D. BAKER, *Secretary of War.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 616.

CONTROL OF FLOODS ON THE MISSISSIPPI AND SACRAMENTO RIVERS.

APRIL 29, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HUMPHREYS of Mississippi, from the Committee on Flood Control, submitted the following

REPORT.

[To accompany H. R. 14777.]

The Committee on Flood Control having had under consideration H. R. 14777, reports the same back to the House without amendment and with the recommendation that the bill do pass.

The bill contains three sections.

The first provides for the control of the floods and the general improvement of the Mississippi River and authorizes the Secretary of War to carry on continuously for that purpose the plans of the Mississippi River Commission, the expenditure not to exceed in the aggregate $45,000,000.

Section 2 provides for the control of the floods, removal of débris, and the general improvement of the Sacramento River, Cal. The Secretary of War for this purpose is authorized to carry on continuously the plans of the California Débris Commission, the expenditure not to exceed in the aggregate $5,600,000.

Section 3 provides machinery under the Secretary of War by which any flood problem, other than the Mississippi and Sacramento, may be examined and reported upon by the engineers of the Army when authorized hereafter by Congress.

The first paragraph of section 1 provides not only for controlling the floods of the Mississippi River, but also for "continuing its improvement from the Head of the Passes to the mouth of the Ohio River." It was the desire of the committee to confine the bill exclusively to matters relating to flood control, and only after mature consideration and conferences with the Chief of Engineers and his assistants in the War Department and with members of the Mississippi River Commission, was the committee forced to the conclusion that it was necessary under the peculiar conditions existing to include also the general improvement of the river. Appropriations have always been made heretofore in lump sums and the Mississippi River Commission authorized and directed to expend the money so appropriated for the purpose of carrying into effect the provisions of the

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act creating the commission, to wit, "to correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof prevent destructive floods, and promote and facilitate commerce, trade, and the Postal Service." Levees are built for the purpose both of preventing destructive floods and serving the interest of navigation, and the revetment of caving banks is likewise done for this dual purpose. It was found to be practically very inadvisable to provide for the single problem of flood control and omit provision for the general improvement of the river. The following quotations from the testimony of Col. Townsend and of Maj. Markham explain the difficulty fully:

The CHAIRMAN. Just one other question. I would like to get your opinion on this matter. This committee's jurisdiction, as you know, is limited to matters relating to flood control. The Mississippi River Commission has jurisdiction south of the Ohio River, from there to the Head of the Passes, both for all matters relating to the river, touching flood and navigation interests. If we should report the bill here for the control of the floods of the lower river, is it your opinion that we ought to include in the work which is to be carried on by the commission the interests of navigation as well, or do you think that ought to be separated?

Col. TOWNSEND. That is, I think, a question of congressional policy rather than a question of engineering.

The CHAIRMAN. It is; that is true. Here is what was in my mind, Colonel. In doing this work the Government wants to do both things. We do not want to undertake the control of floods anywhere in any manner that would injure the interests of navigation or commerce. That being true, would it not necessarily follow that the same agency that does the work for one purpose ought to be charged with doing the work for all other purposes?

Col. TOWNSEND. I think it would be very desirable that it should be done by the same agency. I do not say it would be absolutely necessary, but I should say you would relieve a good deal of friction if you provided that the same agency should do it in both cases.

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The CHAIRMAN. We wanted your opinion as an engineer, of course, primarily in a general way, and then we will probably go into details—if we are to control the floods on the Mississippi River, how shall we proceed?

Maj. MARKHAM. I have more radical opinions about that than I have heard expressed in the last day or two. Assuming it is not objectionable to be radical, I would say that there is no other method that can be devised, within the intelligence of those who have been working on the Mississippi River and thinking about its difficulties, except to build levee structures sufficiently high and to protect them by revetment. That is the sole and only means, in my judgment, of controlling the floods of the lower river, and I state that thus radically, without equivocation, because I believe in it very sincerely.

I think the matter has, perhaps, gotten into a state of confusion for a number of years, due to the fact that both the advocates and the opponents of other methods have merely stated generalities and have never gotten into details, so far as I can see; but I have convinced myself very earnestly that there is no other method of controlling the floods except by levees and revetments.

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The CHAIRMAN. Major, there is one question I want to ask you. The United States Government is going to maintain a navigable channel in the Mississippi River from the mouth of the Ohio out into the Gulf for purposes of navigation, without reference to any flood control. If you set to work as an engineer to do that, how would you accomplish it?

Maj. MARKHAM. By the single means of preventing the banks from caving and thus deteriorating the channel. I think there is nothing required to maintain a thoroughly satisfactory navigation there except to prevent the banks from going into the channel.

The CHAIRMAN. And that is the way to preserve that channel for navigation?

Maj. MARKHAM. The sole way.

Mr. VINSON. What amount of money is now expended for the purpose of dredging to get out those banks that do go into the river?

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Maj. MARKHAM. I could not give you the figure, since the details are operated from St. Louis. I simply know they do operate, and they usually have about $500,000 a year, I think.

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Mr. HUSTED. Major, is revetment work indispensable to navigation as it exists on the Mississippi River to-day?

Maj. MARKHAM. I think it is absolutely indispensable.

It is plain, therefore, that whatever revetment work is done in the interest of navigation has a beneficial effect in the control of floods by preventing the levees from caving into the river, and on the other hand revetment work done primarily to prevent levees from caving into the river has a beneficial effect in improving the navigability of the river. By authorizing the work to be prosecuted continuously through a period of five years, with the necessary funds assured in advance, the committee was advised by the commission that a saving would be effected of not less than $5,000,000, the equivalent of $1,000,000 a year. For these reasons it was determined that it was not only in the interest of economy that a provision be made in one bill for both interests, but that it was practically impossible to segregate them. It is the expectation of the committee, and that intention was so explained to the commission, that the work of levee construction should proceed to completion in five years and that for that purpose $6,000,000 a year should be expended out of the appropriations authorized. Revetment work will have to be continued for an indefinite time—in all probability for 20 and maybe for 25 years. The reason for this is that the banks of the river do not cave simultaneously, but erosion will occur in one bend of the river one year and at another point far removed the next year. The commission is of opinion that it would be entirely unscientific, uneconomical, if in fact not impossible, to undertake the treatment of all the bends at a rate of progress greater than that contemplated in this bill.

Recent discoveries of new and more economical methods of revetment, while giving every evidence and warranting strong hope of demonstrated efficiency, promise a very radical reduction in the cost of revetment work heretofore done. It is the opinion of the committee that $3,000,000 a year should be expended for revetment, which, with the $6,000,000 to be expended for levee construction, will make a total annual expenditure of $9,000,000, and this limitation was written in the proviso which appears now at line 11, page 1, in the first draft of the committee print. We were advised, however, that if it were desired that the commission expend as much as $9,000,000 annually, the limit in the law should be raised to $10,000,000, because it would not feel warranted either in arranging to do the full desired quota of revetment or in contracting for the expenditure of the entire amount authorized for levees for fear that some emergency might arise such as a crevasse in the levee line, or an expensive campaign against a flood or some other unforeseen emergency which might require a considerable expenditure, and for that reason if the limitation of $9,000,000 were fixed in the law, the commission would be unwilling to undertake or obligate the Government to expend more than $8,000,000 during any one year. For this reason the limitation was fixed as it appears in the bill at $10,000,000.

One of the most vexing problems on the lower river for many years has been presented by the Atchafalaya Outlet. By divorcing

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it from the Mississippi River approximately 1,500,000 acres can be protected from the floods of the Mississippi River, but this will make it necessary to increase the grade and section of the levees along the Mississippi River below that outlet and thereby put an additional burden upon the levee districts thereby affected. There has always been a vigorous protest against this procedure from the city of New Orleans, where the flood height would probably be elevated 2 feet by the closure of the Atchafalaya Outlet. It is, however, very desirable that the question be finally determined and at as early a date as possible. It is known what the cost of this divorcement would be. It is not known what the protection of the 1,500,000 acres above referred to would cost by other means, and in order to arrive at an intelligent conclusion in the matter and make a choice between possible methods the survey provided for in paragraph (*a*) of section 1 is included.

Heretofore no contribution by local interests has ever been required by Congress. Since 1882 the States and levee boards of the lower river have, nevertheless, contributed toward the construction of levees approximately $90,000,000. Prior to the rivers and harbors act of 1890 no money was appropriated by Congress for the construction of levees in the interest of flood control, but since that date $29,000,000 have been appropriated and expended by the commission in the construction and repair of levees, the main purpose of which was to control floods. From these figures it will be noted that local interests have contributed at the rate of $3 to every $1 provided by the Federal Government. Every method of taxation which the wit of man could conjure up has been resorted to by the levee districts in order to raise this $90,000,000, and it is the opinion of the committee that local interests can not provide a larger sum annually than they are now raising. The present outstanding indebtedness of the levee districts is $20,000,000 in round figures, which carries an interest charge of approximately 6 per cent. All rights of way and damages incident to the location and construction of the levee lines have always been paid for by local interests and must continue to be so paid. Having thrashed that matter out very thoroughly the committee arrived at the conclusion that local interests could not provide more than $2,000,000 annually for actual levee construction. It is estimated by the commission that $40,000,000 will complete the levee line to such grade and section as will insure against floods of the future and it is proposed, therefore, by this bill that the United States contribute $30,000,000 of that amount and that local interests, in addition to the rights of way, damages, etc., contribute $10,000,000, the whole to be expended in five years.

Paragraph C, section 1, extending the jurisdiction of the commission to Rock Island, Ill., has been carried in the last three river and harbor bills and each time approved by the House and is therefore included in this bill.

Line 24, page 3, extends the jurisdiction of the commission to the mouth of the Cache River, on the Ohio River, which is about 3 miles above the city of Cairo, and is affected by the floods of the Mississippi River. A serious situation has arisen there, due to these floods, which in the opinion of the committee ought to be corrected.

Section 2 of the bill provides for the control of the floods of the Sacramento River and for "continuing the improvement" thereof,

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for the same reasons which compelled the committee to include the general improvement of the Mississippi River. A very full and illuminating supplementary report by Hon. C. F. Curry on the Sacramento River appears further on as Part II of this report and nothing further than a reference thereto is deemed necessary at this point.

Section 3: The Inland Waterways Commission, in its report of February 3, 1908, estimated that there were 77,000,000 acres of overflow land in the United States now unproductive, but which with drainage and protection from overflow will have an exceptionally high agricultural value and which, if divided into 40-acre farms, would furnish homes for some 10,000,000 people.

A delegation from Pittsburgh appeared before the committee recently and detailed in a very interesting hearing the great destruction of property in that city and vicinity by floods from the Allegheny and Monongahela Rivers. It was earnestly insisted by them that these floods could be controlled by the construction of reservoirs in the Appalachian Forest Reserve and elsewhere in those watersheds and at a cost well within limits reasonable in view of the damage done.

Prof. W. K. Hatt, of Purdue University, in Bulletin Four of the Indiana Bureau of Legislative Information, says that 467 lives were lost and over $160,000,000 in property destroyed in the United States by the flood of 1913, and that in the single State of Indiana 39 lives were lost and over $25,000,000 of property destroyed.

In view of these facts, section 3 was drafted. It provides agencies in the War Department whereby examinations and surveys may be made hereafter whenever authorized by law, to the end that Congress may be fully advised as to the practicability and desirability of undertaking this great work. All existing laws governing investigations looking to the improvement of the waterways of the country for navigation are by this section made to apply, so far as applicable, to similar examinations in matters relating to flood control, but by the second paragraph on page 7 the scope of these inquiries is broadened and all the scientific bureaus of the various departments of the Government which are engaged in investigations of subjects which are related to and can properly be coordinated with flood control are brought into the work under the Secretary of War. It was not deemed expedient to authorize the Secretary of War, as a matter of right, to detail representatives from other departments, and the provision was therefore guarded by the words (lines 20, 21, 22, p. 7) "and the heads of the several departments of the Government may in their discretion, upon the request of the Secretary of War, detail representatives," etc.

In examinations of river and harbor projects under existing law, when a favorable report on the preliminary examination is made, the Secretary of War may direct a detailed survey of the project without further legislative authority. Such surveys are not very expensive, as the investigation relates solely to questions touching the interests of navigation. If, however, the survey is to be of the entire watershed—and this will be necessary when the purpose is to determine the best means for flood control—the expense will be very much greater. The survey of a stream to determine the best means of improving its navigability rarely exceeds $3,000, whereas a survey which contemplates plans for flood control will

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cost, perhaps, ten times that amount. For this reason it was thought by the committee to be desirable that the preliminary report should be made to Congress, and that Congress rather than the Secretary of War should determine whether the more expensive surveys should be made. For this reason the proviso beginning at line 2 on page 8 was inserted.

In reporting upon examinations made for the purpose of improving streams for navigation, the Board of Engineers for Rivers and Harbors is required to state its opinion as to the advisability of adopting the project, and occasionally is called upon also to give its opinion as to what share of the cost should be borne by local interests. The committee believes that this rule should be universal in flood control examinations and has, therefore, included this requirement in the paragraph beginning at line 9, page 8, and has added thereto the further requirement that the board state its opinion as to what Federal interest, if any, is involved in the proposed improvement. While this is not in any sense a question upon which the technical education and training of the engineer would specially qualify him to advise, the committee believes the opinion might in many cases prove helpful. To illustrate this two cases may be cited. After a most thorough, elaborate and detailed examination of the whole watershed of the Sacramento River, it was the opinion of the engineers that the most economical, if not the sole method, of improving the navigation of the Sacramento River and its tributaries was the plan which is provided for in section 2 of this bill and which coordinates in cooperation with the State of California and the various reclamation districts the general plan for flood protection and navigation. One Federal interest very clearly indicated there by the report of the engineers was the improvement of the navigation of the Sacramento River.

The rivers and harbors bill which recently passed the House provided for a survey of the St. Francis River in Missouri and Arkansas. Just what that survey will develop, of course, can not now be stated, but it was claimed in the hearings before that committee that any plan for the proper improvement of that stream would necessarily involve the question of flood control and that more than 50,000 acres of very fertile land belonging to the United States Government, which under present conditions are dedicated to perpetual overflow, would be reclaimed. What the cost of the project will amount to, and whether upon investigation it will be found desirable, are matters that must, of course, be left to the future for determination, but the Federal interest which would certainly be ascertained by the engineers in their investigation and could, therefore, properly be reported upon by them is the fact of the possible reclamation of this public land. Other instances may and doubtless will arise where the engineers can very properly report upon the Federal interests involved.

Under the law as it is now written the Chief of Engineers can not make any additional report on a project after the final report has been made to Congress except upon joint resolution calling for additional information; but the Board of Engineers for Rivers and Harbors may, upon the request of the Committee on Rivers and Harbors, report upon any special phases of any pending project upon which that committee may desire further information. The last paragraph on page 8 authorizes similar additional reports touching questions

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relating to flood control upon like requests by the Committee on Flood Control.

THE MISSISSIPPI RIVER.

The Committee on Flood Control was created by a resolution of the House, adopted on the 3d of February, 1916, and a few days thereafter visited the Mississippi River for the purpose of studying the flood which was then prevailing and on this inspection trip traveled from Cairo to New Orleans. The purpose of the trip was to familiarize the members, by first-hand information and by personal observation and study, with the problem presented by this great flood. After their return to Washington they began hearings which extended through several weeks and which are printed now in the usual form and are available for use by the Members of the House.

The problem of the Mississippi River is almost as old as the Government itself. From the date of the Louisiana Purchase when the river passed in its entirety under the jurisdiction of the United States there has been an insistent demand by the citizens of its valley that the Federal Government lay its hand to the task of solving its duplex, as well as complex, problems. The citizens of the northern valley demanded that the river be improved for the purposes of navigation to the end that their products might pass on it out to the sea and to the markets of the world.

The citizens of the States of the lower valley, in addition to their common interest in the navigation of the river, were faced by another problem presented by its recurring and disastrous floods. As early as 1822 Congress was induced to send a commission of Engineers of the Army to examine the river and report some plan for its improvement. This was followed in time by other engineering commissions, appointed for the same purpose. Notable among these are the examination which is set out in what is commonly known as the Ellet Report in 1850; the report of Humphreys and Abbot in 1861; of Gen. A. A. Humphreys in 1866; the Warren Commission in 1875; and the annual reports of the Mississippi River Commission from 1879 to date. No river perhaps in the world's history has ever been more thoroughly studied than the Mississippi, so that it can be said with some assurance that there are no data desirable or necessary to a complete understanding of its problems or for a formulation of plans for their solution which are not now available.

The watershed of the Mississippi River comprises some 40 per cent of the total area of the United States, and the main trunk south of the Ohio River carries to the sea the accumulated rainfall from 31 States of the Union. It became apparent from this fact early in the history of the Government that the problem of the control of the floods was too comprehensive and altogether too stupendous for local interests to cope with, and appeals began to be made for Federal aid early in the history of the valley's development. The first act which Congress passed in response to these various and ever-increasing demands is popularly known as the swamp and overflow land act of 1850. This was a donation to the several States of the swamp and overflow lands within their respective borders, which were too wet for cultivation, the condition being that the proceeds of their sale should be devoted to the construction of "levees" and "drains."

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The development of the States north of the Mississippi Delta was so rapid, however, and their "drains" could be developed at a cost so much less than that required for the construction of levees, that it soon became apparent, to adopt the language used by Lieut. Ellet in his report (supra), "that the process by which the country above was relieved was the process by which the country below was ruined." Levee districts were organized, nevertheless, in the States of the lower valley, and by 1860 their levees were in a reasonably fair way toward completion—that is to say, the progress of levee construction was keeping pace fairly well with the increasing demands for the larger grade and section required, as the volume of the floods kept pace with the growing development of the States of the upper watershed.

The growth of the river's commerce increased steadily and in due proportion as the activities of the people of the upper valley multiplied, so that by 1850 it became the greatest highway of commerce in the world. Steamboats were greatly hampered, however, by the accumulation of logs and snags in the river and by the formation of sandbars, and the loss from these causes grew to appalling and disastrous proportions. Congress undertook to relieve this situation by the operation of snagboats, but the floods which spread out over the adjacent lowlands with the annual wash back into the channel brought more of these obstructions into the river than the snagboats could remove. In 1873 Mr. John A. Scudder, president of the St. Louis & Memphis Packet Co., testified before a Senate committee that there were 5,000 wrecks in the river between Cairo and St. Louis.

In answer to the demands of those who were interested in both problems—that is, in navigation and also in flood protection—Congress in 1879 created the Mississippi River Commission. It was made the duty of the commission by the act creating it "to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods and promote and facilitate commerce, trade, and the postal service." In other words, the commission was to make a thorough investigation and to devise and report a plan by which the problems, both of navigation and of flood control, could best and most economically be solved. This was a mixed commission—that is, was composed of three engineer officers from the Army, one from the coast and Geodetic Survey, two civilian engineers, and one civilian, who need not be an engineer. Since its organization there have been 32 members of the commission all told, and 65 engineers connected with it. After an elaborate study of the river and many experiments, the commission at last arrived at the conclusion that there was but one economical plan by which either problem could be solved and that plan, if carried out, would solve both.

The Committee on Flood Control at its recent hearings summoned before it Col. C. McD. Townsend, for many years a member of the Mississippi River Commission and at present its president; Maj. J. A. Ockerson, a civilian engineer who has been with the commission for the past 32 years, first as assistant engineer and later as member; Mr. Homer P. Ridder, of the Coast and Geodetic Survey, and for 18 years a member of the commission; and Maj. E. M. Markham, of

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the Army Engineer Corps, at present in charge of the first and second districts under the commission. In addition to these Gen. Arsène Perrilliat, a very able and distinguished civilian engineer, for many years a member of the Louisiana State Board of Engineers, and as such actively employed in the study and practical work of the control of the Mississippi River floods, appeared and discussed the problem in a most interesting and instructive way. Their statements will be found set out in full in the printed hearings. In addition to these engineers, many citizens of the lower valley representing all the levee districts from Cape Girardeau to the Gulf appeared, and every phase of the problem—engineering, scientific, economic, and political—was presented.

The engineers agreed, as have all the engineering commissions heretofore appointed by the Government to study the problem, that these floods can be controlled and passed in safety to the sea by means of levees built along the banks of the river and by preventing those banks from caving into the river by works of revetment. They were unanimous also in the opinion that these floods can be controlled by no other means. They were also of the opinion, and equally unanimous, that a navigable channel of sufficient depth to carry the commerce of the future could be maintained economically by these same means and in no other way.

The Committee on Flood Control is composed of laymen. There is no engineer on the committee. Having secured the very best and most technically and professionally expert advice to be had on the purely technical problems involved, and the equally technical estimate of the cost involved, this advice was accepted and that phase of the problem was regarded as settled.

The question of the advisability of embarking upon the enterprise and committing the Federal Government to the expenditure of the vast sums so ascertained to be necessary was then approached and all the factors entering into the equation were given most careful and thoroughgoing consideration.

The question thus confronted was greatly simplified for the committee by the fact that Congress had already (Mar. 3, 1881, and Sept. 15, 1890) adopted the project and during the past 35 years had appropriated toward its prosecution many millions of dollars. The question, therefore, which demanded an answer from the committee was not whether the United States should be embarked upon some new sea of Federal activity and another channel opened into which the funds of the Federal Treasury might flow, but was rather whether an adopted project which had tarried so long upon the legislative stage should now be abandoned outright or the old and costly policy of meager and inadequate annual appropriations terminated by an order to the engineers to go in and complete the job.

All three of the political parties of the House are represented upon the committee, and upon examination of the platforms adopted by those parties in 1912 it was found that all three had definitely declared that the floods of the Mississippi River constitute a national problem and that each had declared it to be the duty of Congress to provide adequate means for their control. Mr. Wilson declared in accepting the nomination: "In the case of the Mississippi River, that great central artery of our trade, it is plain that the Federal Government must build and maintain levees and keep the great waters in

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harness for the general use." Mr. Roosevelt said: "We, the Nation, must build the levees and build them better and more scientifically than ever before." Mr. Taft said: "I am strongly in favor of spending the whole $50,000,000 to save that part of the country from floods in a reasonable time and to provide a proper levee system."

In view of these platforms and the explicit declarations of the three candidates for the Presidency, the committee might have justified a favorable finding without further ado, but the members felt that a heavier responsibility rested upon them. They thereupon proceeded to an investigation of the whole broad problem with a determination to test it on the merits. It became more and more apparent as they proceeded with their investigation that the problem presented many phases and must be approached from many angles. It resolved itself at the very outset into two elements—flood control and navigation. The first inquiry, therefore, was: What, if any, is the Federal interest involved in the problem of flood control? To answer this intelligently, it is necessary to consider the extent and character of the area proposed to be protected.

The total area of these alluvial deltas which will be protected is about 25,000 square miles. It is difficult to comprehend the full meaning of big figures without stating their relative significance. Twenty-five thousand square miles is about the combined area of Delaware, Maryland, Connecticut, Rhode Island, and Massachusetts; it is larger by one-third than the two States of New Hampshire and Vermont; it is almost as large as the great State of Maine or South Carolina, and, in fact, larger than West Virginia. It is equal to the combined Kingdoms of Belgium and Denmark; larger than Greece and Servia, and about the size of the Netherlands and Switzerland combined. If as an original proposition this great fertile valley, peopled as it is with our own flesh and blood, men inspired by the same hopes and traditions, and bound together by the teachings of a common history and a common purpose, all looking to "one God, one law, one element, and one far-off divine event to which the whole creation moves"—if it were possible to buy from some alien sovereign this great estate so peopled and so blessed by the Giver of all things good, would Congress hesitate to bring it beneath the beneficent light of our stars?

If Maryland or Massachusetts or any other State were threatened by destruction from any source, tidal wave, or what not, and Congress could avert that disaster, who would quibble about the cost?

In 1880 the population of all the deltas was 445,604; in 1910, 829,720. In 1880 there were 1,619,721 acres in cultivation. What a somber picture that is. Here in the heart of this most marvelously fertile and productive valley, with 16,000,000 acres capable of producing the greatest crops of the world, at the end of a hundred years of struggle and ceaseless warfare against the great Father of Waters, less than 2,000,000 acres had been subjected to the will and purposes of man. In 1910 there were 3,585,070 acres in cultivation. Farm values in 1880 were listed at $50,961,199; in 1910, $174,187,559. The value of personal property on these farms in 1880 was $12,776,012; in 1910, $50,115,939. In 1880 there were no railroads and never could be; in 1910 there were 3,200 miles of railway. In 1880 there was one banking institution in all this great valley, located at Helena, Ark., and with a capital of $20,000; in 1910 there were 246 banks,

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with a combined capital and surplus of $15,600,000 and with deposits of $43,300,000. These figures give probation more strong than proofs of Holy Writ that every dollar which had been spent by the Federal Government had been bread cast upon the water and was coming back a hundred-fold in contribution to the wealth of the Nation and the promotion of the general welfare.

This territory produces a great variety of staple agricultural products; that is to say, agricultural products which form a considerable proportion of our export trade as well as a material part of our internal commerce. It is particularly adapted to the growing of the higher grades of cotton, what is known to the cotton trade as "Bender" cotton. This cotton is grown nowhere else in the world except in the valley of the Nile, from which we import annually something more than 100,000,000 pounds. England, Germany, Russia, and, in fact, nearly all the countries of Europe have spent vast sums in an attempt to acquire and develop cotton-producing territory within their colonial possessions. Since England assumed suzerainty over Egypt many million pounds sterling have been voted for the extension of reclamation projects on the Nile. During the year preceding the present war $15,000,000 were appropriated by the British Parliament for the purpose of further experimenting in the culture of cotton in the Soudan in the hope of eventually making the English spinner independent of the American cotton grower.

It is estimated by those who appeared before the committee at the recent hearings and in whose accuracy and for whose judgment the committee has greatest respect, that if these twelve and a half million acres, now unimproved, were planted to cotton they could reasonably be depended upon to produce annually some $700,000,000 of this the most universally required fabric for the clothing of mankind throughout the world. If we can hold our own in the matter of our foreign commerce, this one item would turn the current of gold to our shores in the balance of trade with the world. It would open an opportunity for a million American farmers to become home builders. It would be the most complete answer, it would furnish the most perfect and tempting countercall to the alluring invitation which is yearly inducing many thousands of American farmers to answer "the call of the North." Neither Alberta nor Saskatchewan offer fields that are as fertile in a climate that is as inviting. It is estimated by those who have appeared before the committee, and whose statements are printed in the hearings, that if the whole 16,000,000 acres were planted to cotton and properly and intelligently, though not intensively, cultivated, they would yield a crop of cotton larger than this country has ever produced.

Hon. Chas. S. Fairchild, Secretary of the Treasury in Mr. Cleveland's Cabinet, in a statement before the Committee on Rivers and Harbors in 1904, among other things said:

> Think of the great enterprise upon which we are entering in building a canal; to build a canal to connect the Atlantic and the Pacific. Think of what we are doing in the Far East, in China, in extending our treaty relations, in taking up a position where we willl have a greater influence and a greater access than ever before. Why? For what? To do what with them? To sell things to those people. What things? Why, the main thing we are to sell them is cotton—cotton goods. That is why we are willing to almost strain our relations with some of the nations of the world, that we may keep open markets. What we wish to sell in those markets is cotton goods. Now, if we do not take care of the production of the raw material of the cotton goods,

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all that we are doing in that respect is almost waste time, because we will cease to be a great cotton manufacturing country.

That a very substantial contribution would be made to the general welfare of the whole country by the reclamation of this magnificent empire needs no further proof than the bare recital of these facts; but granting this to be true, the question naturally arises, Shall the funds necessary to prevent the recurring floods and thereby make the reclamation of these deltas possible be borne by the Federal Government, by local interests, or by both?

John C. Calhoun said in 1845:

It is the genius of our Government, and to me its beautiful feature, that what individual enterprise can effect alone is to be left to individual enterprise; what a State and individuals can achieve together is to be left to the joint action of States and individuals; but what neither of these separately or conjoined are able to accomplish, that, and that only, is the province of the Federal Government. This is the case with the Mississippi River.

Prior to the creation of the Mississippi River Commission the States and levee districts had undertaken unaided to do this work and had provided all the funds except such as were derived from the sale of lands under the swamp and overflow-land act (supra), but the great floods which followed in 1882, 1883, and 1884 practically destroyed the levee system, and the inability of local interests alone to successfully solve the problem was demonstrated. In the Yazoo Basin, which was the most densely populated and where fewer physical difficulties were encountered than in any other basin, by 1880 more than half of the land, which had been valued in 1861 in the report of Humphreys and Abbot at $100 an acre for the cleared land and $25 an acre for the woodland, had been forfeited to the State because the owners were unable longer to stand up under the burden of taxation required. Conventions of landowners were held to consider the advisability of abandoning the fight altogether before the other 50 per cent would be taxed out of their hands. But the creation of the Mississippi River Commission, in 1879, had revived hope and it was determined to hold on for a few years longer in the expectation that Congress might come to the rescue. Since then by every species of taxation which the ingenuity of the legislator could conjure up these people have raised and expended in the construction of their levees $90,000,000.

Senator Le Roy Percy, one of the foremost citizens of the valley, a man of business capacity and foresight and not given to exaggerated statements or unreasoning pessimism, before the Committee on Rivers and Harbors, two years ago, made the following statement and at the recent hearings before this committee repeated it:

I do not hesitate to say to this committee, and I have no uncertainty about the correctness of the statement, that if the word went back to the Mississippi Valley from this committee that the Federal Government had found this problem either too great or outside of its scope and had said, "upon your own efforts you in the valley must rely for your salvation," not only would the potential development be destroyed, but that country, over 70 per cent of it, within 10 years would revert to the jungle; civilization there would be blotted out, prosperity would be destroyed. This is not a conjecture; we have tried it.

Of the 16,000,000 acres, as has been already shown, only 3,500,000 are in cultivation, and these, of course, have produced the revenue which enabled the levee districts to expend the $90,000,000 in the construction of levees heretofore. Each district is heavily bonded;

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interest charges must be met; it is not possible for them to contribute more than it is provided they shall contribute toward the further completion of the system. This amount was not arrived at by haphazard guesswork. When those most interested in this legislation were conferring through their Representatives in the preparation of a bill to be presented to the Sixty-third Congress, a careful, diligent, and earnest and searching inquiry was made into all their sources of revenue to ascertain the maximum sum which they could possibly raise.

This extract from the hearings before the Rivers and Harbors Committee, in 1913, will illumine this point:

Senator PERCY. About the expense to which these districts can contribute, about whether theirs is a fair burden or not, it is not conjectural at all. The burden proposed is just as great a burden as they can bear. There is not any way they could raise a greater amount by taxation, only with the knowledge that the Government was going to take hold of these levees, and with the credit thereby given will then be able to raise the contribution provided under this bill.

Mr. HUMPHREYS of Mississippi. When we had a conference of all those who were interested and contributed to the drawing of this bill, that, in fact, was exactly what we discussed when we determined how much contribution to ask, was it not?

Senator PERCY. Absolutely.

Mr. HUMPHREYS of Mississippi. How much can we squeeze out of these districts?

Senator PERCY. And the only criticism that is heard along the Mississippi River to the bill from some quarters is that if it passes, what good will it do us? We will never be able to raise our pro rata.

Mr. TAYLOR. Is this pro rata about on the lines of the familiar term which the railroads use, "What the traffic will bear"?

Senator PERCY. Just what the traffic will bear; just what the weary taxpayer can put up.

If the policy of watchful waiting which has heretofore characterized congressional treatment of this subject is to be further pursued, the ability of local interests to contribute their proper, or rather their required, proportion will be lessened. Every flood that breaks the uncompleted levee line works frightful havoc, and these levee districts, which are to be our allies in this great work, will be less and less able to furnish their share of the sinews of war as these floods recur. The destruction of property, according to the hearings and the official reports of the Mississippi River Commission, by the floods of 1912 and 1913, reached the appalling total of $50,000,000. As the levees grow higher, as they must grow, and the population increases, as it must increase, every return of these recurring disasters will be marked by an increasingly heavy toll both of property and of life.

Speaking of the necessity of systematic cooperation under the command of a single board and noting the utter failure of the unaided fight against the "personified enemy," the Warren report of 1875 stated that, "The river has no respect for State boundaries and deluges Arkansas through breaks in the levees of Missouri, and overflows Louisiana by floods passing across the Arkansas line." How difficult it is to find words which more clearly set out the truly national character of the problem.

Quoting further from the hearings of 1913, the following from Senator Percy's statement illumines this point:

Before the Federal Government had indicated a willingness to help in this work, the Yazoo Delta, more favorably situated with regard to levees than any other district on the river, because it is a great basin divided into two districts with only one outlet, and therefore there is no difficulty arising out of the feasibility of protection by the levee system—in 1880 more than 50 per cent of the land of the Yazoo Delta had gone back to the State of Mississippi to pay levee debts. In our efforts to protect ourselves

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by our own taxation, we had taxed out of the hands of individuals back into the hands of the State, where it yielded no revenue, either for State or county purposes, more than one-half of the total acreage of that delta. The fight was over and we were whipped. And elsewhere along the river, in the great majority of places, no levee districts had been formed. Then the Government came in and held out a hope—it was not what they expended, because it was comparatively little—which gave a fictitious sense of security to the people, and they took heart and borrowed money on credit based on belief in Federal aid.

The problem, then, seems to resolve itself into this inquiry: Shall the Federal Government assist in protecting these deltas from the floods of the Mississippi River, or shall they be permitted to revert to the jungle? On this point it will be interesting to study the causes of the floods as they now occur and to ascertain if the activities of the citizens in the upper valley are contributing thereto.

In his report to Congress heretofore referred to Mr. Ellet had foretold with prophetic words how the drainage of the great plains along the upper reaches of the river would surely overwhelm the deltas along the lower river unless Congress should help the people there to build their levees higher and stronger.

The process by which the country above is relieved is that by which the country below is ruined.

This was the report of 1852. Now, mark how well the sequel held together. In 1850 farm values in the 11 great States between the Missouri and the Ohio Rivers was given by the census at $827,577,776. The great flood of 1858 measured 1,475,000 cubic feet per second. In 1880 farm values in the same 11 States, indicating the measure of their improvement, was given at $5,317,880,906, and the flood of 1882 measured 1,800,000 feet per second. In the light of these facts, how pregnant of truth, how prophetic, are these words quoted from the same report:

The true difficulties of this problem will now be appreciated. We can protect Louisiana by simple means from all ordinary natural floods. But the great problem with which we have to cope is to ascertain how to protect her from the deluge created by the artificial improvements which are accelerating the drainage of the prairies and diverting the collected waters from their natural course through the lowlands.

It will thus be seen that it is the pursuit of individual and public interests through all of the northern States of the Mississippi Valley that pours the excess of water down. It may possibly be considered, therefore, that it is the common duty of the States to guard the land which these improvements now endanger.

In round figures, as stated above, the advance in farm values increased from $828,000,000 in 1850 to $5,300,000,000 in 1880, resulting in an increase in the flood volume from 1,475,000 second-feet in 1858 to 1,800,000 second-feet in 1882. The progress in all the elements of scientific agriculture and farming operations and enterprise which has kept step with the advancing civilization of that same territory since 1880 is unmatched in the progress of the world in all the tide of time. No one element has been so potential in this development as the "process by which the country above is relieved" of its surplus and surface waters. Now, note the figures for 1910, just two years before the great flood of 1912.

Farm values of the 11 States in the upper valley in 1880 were $5,317,880,906. These same farm values in 1910 were $20,000,000,000. Think of it! Twenty thousand millions! But one can not think of it. It is too stupendous for comprehension. One can only read and pronounce and marvel. Twenty thousand millions! Now,

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note the volume of the flood. In 1882 it was 1,800,000 second-feet. In 1912 it was 2,300,000 second-feet.

Quoting once more from Ellet's report of 1851:

But in pointing out the direct consequences of the system which now prevails to an extent so alarming—of excluding the water from its ancient reservoirs and forcing the increased burden down the proper channel of the Mississippi—it is not the design to contend against that policy. It would, indeed, be a hopeless opposition that would array itself against the countless interests, private and public, which urge these measures forward. The progress of this work is irresistable. It has become the adopted policy of Congress, as well as of individual States, and is progressing fearfully through the whole area of the Delta.

The area of the Mississippi Valley is composed, in the main, of wide extended plains and level prairies, on which in the original condition of the country there was little or no timber. Over these plains the water which falls on the untilled soil is obstructed by the wild grass and brushes, and consequently retained upon the flat surface until it is either evaporated or slowly passes off into the natural depressions, which convey it through similar impediments to the greater channels of discharge.

But as population takes possession of the ground the wild grass is removed and the plow is applied to the drainage. The primitive furrows are so directed as to let off the surface water and the imperfect drains first opened by the plow are subsequently enlarged and made the channels into which the lateral ditches are led. The success of the crop depends on the perfection of the drainage, and consequently one of the first efforts of every provident farmer, on breaking up the sod, is to relieve the surface of his fields of standing water. But the water rapidly discharged from these incipient drains meets with impediments in the choked-up streams, is led back by fallen timber, and spreads over the bottom land. To save these narrow strips of bottom land, which generally afford the finest pastures, the industrious farmer promptly removes these obstructions from the channel and lets the water off into the country below.

This process, though in reality hardly well commenced, is yet progressing over the valley of the Mississippi at the rate of many millions of acres annually. The aim of every proprietor is to drain his own fields and let the water pass as rapidly as possible into the creeks and rivulets which are provided by nature to convey it away. But the land upon the great tributaries into which this water passes is equally valuable, and each proprietor there fortifies himself in like manner against the annual and increasing flood. He also drains his fields with a view to the more rapid discharge of the surface water, throws up embankments across the low places to shut out the flood, and, if the circumstances of his situation will justify it, levees in his front and confines the swollen water to the actual channel of the stream.

The immediate consequence of all this is that the water which, in the original condition of the country, remained upon the surface of the prairies until a portion was evaporated and a portion absorbed by the earth, to be subsequently given out slowly by the springs, is now hurried along hundreds of thousands of artificial drains into the great rivers which supply the Mississippi.

In the report of the Mississippi River Commission of 1883 (p. 2431), Gen. Comstock, among other things, states—

That the annual height of the floods in the rivers is now believed to increase as the country they drain is cleared up.

In an address delivered by Col. Townsend, member of the Mississippi River Commission, before the Drainage Congress, at St. Louis, May 15, 1913, he says:

The subject of land drainage is intimately associated with that of river improvement. The cultivation of the soil largely increases the amount of sediment entering our streams. The direction of the furrow markedly affects the amount of the rain water that flows from its surface, and every ditch or subsurface drain promotes a more rapid flow into our rivers during floods and, possibly, affects their discharge during low water.

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Table showing how increase in flood volume has followed development of upper valley.

Value of farm property in States between the Missouri and Ohio Rivers.		Volume of flood discharge of Mississippi River below Cairo.	
Year.	Value.	Year.	Cubic feet per second.
1850	$827,577,776	1858	1,475,000
1880	5,317,880,906	1882	1,800,000
1910	20,000,000,000	1912	2,300,000

Whatever conclusion may be drawn from the foregoing, the fact seems to be well established that the activities of the citizens of the upper watershed, proper and praiseworthy to be sure, have none the less contributed materially to the disastrous floods which are overwhelming the lower deltas. In Blue *v.* Wentz (54 Ohio State, 253) Marshall, J., speaking for the court said: "It is a principle of property well recognized in many of the States, and particularly in Ohio, that, where lands are situated as above supposed, the lower tenement is under what is called a natural servitude to receive such waters as flow to and upon it from a higher one, provided the industry of man has not been used to create the servitude."

The people of the deltas have put into their levees much more dirt than was necessary to withstand any flood that ever would have come down the river but for the "industry of man." The increased floods have not only aggravated the servitude by making much larger and more costly levees necessary, but in their accelerated and intensified fury the banks of the river have been crumbled and eroded and the levees, even though constructed to the required grade and section, are caved into the river and destroyed. Col. Leach, of the Army Engineers, says:

> I may say, generally, with regard to the history of the levee system, that over three-fourths, probably, of the entire sum of money expended by the States in the last 10 or 15 years in the construction of levees would have been saved if the United States had prevented the banks from caving.

It is sometimes suggested as a reason against Federal aid that the lands which are to be protected from overflow in the deltas of the Mississippi River are all in private ownership and that they will be enhanced in value by the construction of levees, and therefore that these landowners alone should bear the burden.

In the first place, it is well to keep in mind that the plan proposed in the bill does not provide for the reclamation of these overflow lands. This is frequently alleged, but it is not warranted by facts. The reclamation of the land will be made possible by the construction of levees which will keep off the flood waters, but that is all. The actual work of reclamation, which is a very expensive work, will, of course, be done exclusively by the landowners. In those parts of the deltas which have already completed their levees to such extent as to give reasonable assurance of flood protection, very extensive drainage projects have been inaugurated and many millions of dollars expended in these enterprises. All of this cost, however, is borne by the landowners and in proportion to benefits. The levees do, undoubtedly, add very largely to the value of the

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land protected by them, and it is equally true that they have been constructed very largely by local interests.

Nothing was spent prior to 1890 by the Federal Government for the construction of levees, except in a few places where they were deemed necessary in the interest of navigation. Since 1890 the Mississippi River Commission has expended for this purpose $29,000,000, as against $90,000,000 expended by the levee districts. No public improvement, however, of any character whatever is ever free from the objection that some particular locality, or some particular enterprise, or some particular individual is especially benefited by it. This, however, is not a good reason against improvement. In a speech delivered in the House of Representatives on the 20th of June, 1848, Mr. Lincoln criticized President Polk's veto of the river and harbor bill, and in that speech discussed at length this very question: "Now for the second portion of the message, namely, that the burden of improvements would be general, while their benefits would be local and partial, involving an obnoxious inequality. That there is some degree of truth in this position I shall not deny. No commercial object of Government patronage can be so exclusively general as to not be of some peculiar local advantage. * * * The Navy, then, is the most general in its benefits of all this class of objects; and yet even the Navy is of some peculiar advantage to Charleston, Baltimore, Philadelphia, New York, and Boston, beyond what it is to the interior towns of Illinois. The next most general object I can think of would be improvements on the Mississippi River and its tributaries. They touch 13 of our States. * * *

"Now, I suppose it will not be denied that these 13 States are a little more interested in improvements on that great river than are the remaining 17. These instances of the Navy and the Mississippi River show clearly that there is something of local advantage in the most general objects. But the converse is also true. Nothing is so local as to not be of some general benefit. * * * The just conclusion from all this is that if the Nation refuse to make improvements of the more general kind because their benefits may be somewhat local, a State may for the same reason refuse to make an improvement of a local kind because its benefits may be somewhat general. A State may well say to the Nation, 'If you will do nothing for me, I will do nothing for you.' Thus it is seen that if this argument of inequality is sufficient anywhere, it is sufficient everywhere, and puts an end to improvements altogether. I hope and believe that if both the Nation and the States would in good faith, in their respective spheres, do what they could in the way of improvements, what of inequality might be produced in one place might be compensated in another, and the sum of the whole might not be very unequal. But suppose, after all, there should be some degree of inequality. Inequality is certainly never to be embraced for its own sake; but is every good thing to be discarded which may be inseparably connected with some degree of it? If so, we must discard all government."

The people who own land are not the only ones who suffer losses by these floods, nor are they the only ones who will be benefited by the improvement. The great majority of people who live in the deltas are not landowners. There are many small farmers who are mere renters, and their losses are really heavier relatively than the

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losses of the landowners. Hon. John M. Parker, of Louisiana, stated to the Senate Committee on Commerce in 1912 that 96 mules were drowned on one of his plantations by a crevasse in the flood of that year and that nearly all of them belonged to tenants on his place. One of his colored tenants lost six mules, together with a number of cows and other farming equipment, which represented the savings of a lifetime—all swept away in a few hours as a result of this single crevasse. These people all contribute their just proportion of the taxes which have gone into the levees heretofore, and which, as stated above, have been sufficient to have built the levees even higher and stronger than the engineers estimate is necessary, and they are the ones who are calling upon the proprietors of the upper tenement to contribute now a fair proportion of the amount required to complete the levees.

If it is assumed that all the money which is to go into levee construction is for the sole purpose of controlling the floods to the end that the 16,000,000 acres to be protected may be reclaimed and brought into profitable cultivation, it would be money well expended. Egypt has expended $53,000,000 for the reclamation of 1,400,000 acres in the Valley of the Nile and Holland has expended $47,000,000 to reclaim from flood 1,280,000 acres in the Zuyder Zee. Can not the United States afford to expend the $30,000,000 proposed in the bill to help our citizens rescue from overflow 16,000,000 acres, a territory seven times as large as the Nile and Zuyder Zee combined?

There is another Federal interest involved in the control of the floods of the Mississippi River aside from any contribution to the general welfare which might result from the reclamation of the 16,000,000 acres involved. This is the question of interstate commerce. The Supreme Court of the United States has declared that the term "commerce" involves not only navigation but intercourse as well. Let us, therefore, consider both elements and first the Federal interest in the navigation of the Mississippi River.

Prior to the creation of the Mississippi River Commission, and the first appropriation made for it by the act of 1881, appropriations by Congress for the improvement of the river were confined practically to snagging operations and involved a relatively small sum. The commerce on the river up to that time was so great and its importance so manifest that no one will have the hardihood to offer any criticism of it. Since then Congress has appropriated for the commission $85,679,555.57, which includes expenditures for all purposes, revetments, levees, channel improvement, administration, etc. During these years 172,000,000 tons of freight have actually been floated on the river. From 1880 to 1900, eliminating duplications, 130,000,000 tons of freight were actually transported on the lower river, much of it through freight. Since 1900 through freight from points on the Mississippi above the mouth of the Ohio has practically ceased, and the only tonnage of that character now is coal out of the Ohio River. Since 1900 something more than 30,000,000 tons of general freight have been floated on the river from Vicksburg south and 48,000,000 tons on the river between Cairo and Vicksburg. It is impossible to determine accurately just what amount of duplication occurs in these last figures. Assuming that three-fourths of the 48,000,000 tons appearing in the statement of tonnage above Vicksburg is duplication, this would give a total of 42,000,000 for the lower river from Cairo south since 1900, making a grand total since 1880 of 172,000,000 tons.

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Some years ago Congress adopted a project for a 9-foot channel in the Ohio River from Pittsburgh to Cairo which will be completed in the near future, at an estimated cost of something more than $60,000,000. The Missouri River from Kansas City south is likewise under improvement and the project will have cost, when completed, $20,000,000. After very thorough discussion in the House on these items, which are carried in the rivers and harbors appropriation bill, it was demonstrated to the satisfaction of a very large majority of the Members that both of these improvements, which are solely in the interest of navigation, are thoroughly desirable and the House by a decided majority refused to discontinue appropriations for either of them.

There is another project for the improvement of the Mississippi River as high up as St. Paul. The upper States of the Mississippi Valley are more vitally interested in the improvement of these streams since the completion of the Panama Canal than ever before. It has been demonstrated in the debates in the House that unless water transportation to the ocean is secured the Panama Canal will prove to be a serious drawback to the industrial progress of the valley, instead of a blessing. That the shippers are making preparation to use these rivers is manifest by the many activities in construction of river terminal facilities now in progress at various points, and by the building of large and extensive barges to be used in that traffic.

The following telegram to the chairman of this committee, from John H. Bernhard, president of the Inland Navigation Co., shows how flood control will greatly facilitate the interest of navigation:

The Inland Navigation Co., to reap the rewards we believe available to those that succeed, has placed to-day upon the western rivers at a cost of $123,000 its first floating modern electric-operated freight carrier, notwithstanding the impossible channel and shore conditions, in order to hasten the economical use of inland rivers, which is absolutely essential for the efficient transportation system needed in the United States to reduce the cost of living and increase the opportunities and chances for successful competition in foreign markets. Said company, amply financed, stands ready to and contracted to increase this service and fleet as fast as it is possible under present conditions. Already its second and third hulls are launched. Channel and shore problems are closely interwoven and unless rivers are controlled their terminals can never give true economy to interchange of freight between rail and water nor even between water and shore. A sudden rise in the Ohio River only stretched over a few days, floods out to-day all that was left of the none too luxurious wharf at Louisville, and it is not only the case here but in every place along the Mississippi River and its tributaries. Flood control is one of the essential fundamentals of river terminals. Regret very much that actual work forbids us to request a hearing, because, should it be granted, fear we could not spare the time from our labors here to come to Washington, but wish to urge upon you as men driven by business only, foreign and antagonistic to all ideas of pork barrel, political influences, lobbying, or all other sham interests which you attempt so carefully to discourage, to champion flood control as of vital importance to the Mississippi Valley and its business interests. The standardizing of flow in river not only aids navigation, but permits the fixing of flood levels at standard river terminals. General public now aware of the fact how badly it is in need of river traffic, but men like yourself must foresee what is coming and look into the future, and God knows you do not need to look far into the future now to realize how sadly we are in need of home economy by abandoning the waste as embodied in the emptiness of our rivers. I carried millions of tons of freight on foreign rivers at one-fourth the cost freight is carried in America by rail over same distance. Our rivers here are good and powerful, but their freedom is license and their untamed wildness dangerous.

(Signed) INLAND NAVIGATION CO.,
JOHN H. BERNHARD,
President.

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The following clipping from the current issue of one of the valley papers will also prove interesting on this point:

NEW ORLEANS, *April 24.*

A celebration in honor of the completion of the initial voyage on what was declared to be the first regular boat line between St. Louis and New Orleans in about 20 years was held here late to-day upon arrival of the *Inco No. 1*, carrying a cargo of freight for Central and South America and southern cities from St. Louis and other northern points. The ceremonies were participated in by State and city officials, members of local commercial organizations and representatives of shipping concerns and inland waterway advocates from various cities.

The *Inco No. 1* is the first of a proposed fleet of 35 craft which its owners announced they plan to operate for long-distance traffic on the Mississippi and tributary rivers. Arrangements have been made for sailings at regular intervals and a schedule of four days from St. Louis to New Orleans.

The *Inco* is said to be a new type of motor-propelled, steel freight carrier, built in form of a barge, 240 feet long, 43 feet wide, and with a capacity of 1,600 tons. It was stated seven other vessels of the *Inco* type were in course of construction.

The speakers declared the initial voyage marked the reestablishment of long-distance freight transportation on the Mississippi.

Beginning on page 56 of the Report on the Floods and Levees of the Mississippi River, which is printed as Report No. 300, part 2, Sixty-third Congress, second session, will be found a full discussion of this subject. The following extracts from opinions of the engineers taken from this report show the influence of levees as aids to navigation, without reference to the matter of flood control. In 1884 the commission said in their report: "We therefore conclude that levees such as have been herein described are, in connection with an equalization of width and the prevention of caving, an important part of any general and systematic plan for the improvement of the navigation and the prevention of destructive floods." From the testimony of Lieut. Col. Suter before the Senate Committee on Commerce in 1890 the following extract is taken:

Senator GIBSON. You stated a moment ago, in reply to a question by the chairman, that if you were improving the Mississippi River, even if it were running through a wilderness, if the country through which it ran was not peopled, you would still build levees on the banks.

Lieut. Col. SUTER. Yes, sir.

Senator GIBSON. Why do you hold that opinion?

Lieut. Col. SUTER. Because I consider that the improvement of the stream for navigable purposes without it is impossible.

And at the same hearing the late Chief of Engineers, Gen. Kingman, testified as follows:

The CHAIRMAN. Suppose you drop all considerations of overflows and regard navigation alone, how then?

Capt. KINGMAN. I should consider that the levee is a very important means of improving navigation, and I can give an instance. The Morganza crevasse was caused by a break that occurred in 1874. It remained open as a crevasse practically until closed in the winter of 1886 and 1887, a period of about 12 years. It has a deep bend there and plenty of water, and there had been no trouble with the navigation until after the crevasse was formed. After the crevasse occurred the navigation became worse and worse, and steamboat men told me they hated to run that bend at night, particularly in high water, when the water was running out. When the water was running out there would seem to be danger of being drawn into the crevasse.

Such was the danger to navigation in times of flood which would be eliminated by the construction and maintenance of the levee line.

Continuing he illustrated how another danger to navigation in times of low water was also obviated by the maintenance of the levee.

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The steamboat men dreaded it at low water, because the sand bar, or tongue of land opposite this bend, had extended so far over into the bend that there was hardly room enough for two large steamboats to pass there. The crevasse was closed jointly by the commission and by the State in the winter of 1886 and 1887. Since then the navigation has steadily improved, until now it is as good as it ever was. The current is quite regular. There is ample room now, and steamboat men have spoken to me repeatedly this year about the great improvement which has taken place in Morganza Bend since the crevasse has been closed. There is an actual case where the building of a levee made bad navigation good.

From these statements it will be clear that levees perform a very useful function in the interest of navigation, aside from their main purpose, which is to control floods.

Having considered the matter in all its phases, the committee is of opinion that it is the duty of the Federal Government to assist in a substantial way toward the control of the floods of the lower Mississippi; that the only practicable way by which this can be done is by the construction of levees and the revetment of the banks; that these levees, aside from their usefulness as a means of flood control, aid in improving the navigability of the river; that revetment is an indispensable requisite for the improvement of the river and the maintenance of the channel for navigation; that the Federal interest involved is ample and sufficient to justify the expenditure contemplated by the bill.

Many extracts have been taken from the report above referred to (No. 300, pt. 2, 63d Cong., 2d sess.), which contains a full history of the levee system in this and other countries and a discussion of the efficacy of levees, both as means of flood control and of improving the navigable channel of the river, together with a great deal of other useful and related data, which will be helpful to those who desire to make a more thorough investigation of the subject than is contained in this brief report. Chapter 8 of that report contains an exhaustive discussion of the constitutional questions involved, by Gen. T. C. Catchings, of Mississippi, and Gov. N. C. Blanchard, of Louisiana, both eminent lawyers, and both during their service in this House having served as chairman of the Committee on Rivers and Harbors.

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FLOOD CONTROL OF THE SACRAMENTO RIVER.

Mr. CURRY, from the Committee on Flood Control, submitted the following

SUPPLEMENTAL REPORT.

[To accompany H. R. 14777.]

1. The name California carries with it to the mind of the intelligent and reading world the spirit of romance. It is surrounded and colored with kaleidoscopic pictures of proud hidalgos, of Spanish padres, and tile-covered missions, of sea adventurers, of gold seekers and prairie schooners and Indian ambush, of vaqueroes, of fruits and flowers and warm sunshiny days. But of all these pictures, the most vivid and those which have left most impress upon the fortunes of the country, upon the minds of its people and upon the very configuration of the hills and valleys of the State, are those which tell of the work of the gold miner.

2. The California miner has dug out of the earth and added to the country's wealth since 1848 gold valued at $1,631,601,990, which is about one-sixth the value of all the gold coinage and bullion in the world to-day available for circulation, and within 3 per cent of the total within the United States as reported by the Secretary of the Treasury this month. The gold produced by California was, during the Civil War, the basis of the credit of the Nation when she most needed credit. The State is still the greatest gold producer in the Union, her annual output of $22,860,590 exceeding that of Alaska; but gold production is now one of the minor industries of the State. Even the alfalfa crop amounts to $23,000,000 yearly.

3. The gold in California is found in many forms in nature. It is most abundant, however, in the free state in small particles in the sands which have borne it down from the mountains through countless ages of the world's history. Deposits of this character are made by mountain streams, particularly where they drop their heavy grade and reach the floor of the valley. These deposits are found close to the surface or on the bedrock and covered by mountain layers of 100 to 400 feet in thickness, according to the number of years or the ages of time which have elapsed since the deposit was made. The eastern and northeastern edge of the Sacramento Valley and the slopes adjoining are particularly rich in these deposits.

4. Various methods have been employed to secure this gold, including the hand pan and rocker washing the sands of the surface stream; the drift tunnel working into the sidehill on top of the bedrock; the hydraulic "monitor," which washes down the entire mountain in order to reach the layer of gold-bearing sand far below; and the modern gold dredge, which costs as high as $500,000 and brings

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gold-bearing material to the surface in its endless-ladder buckets from an extreme depth of 90 feet. Of these methods, hydraulicking was that responsible for most of California's output during the Civil War and for 15 years thereafter.

5. The State and the Nation, however, paid an enormous price for this gold in permanent injury to great natural resources and to varied interests—a price which is not only being paid now but will continue to be paid through all the generations of civilization yet to come. It is seriously questioned by those who have given careful study to the subject whether the entire amount of gold which has been and can be recovered from the hills and stream beds of California, great as it is, is adequate compensation for the permanent injury done by hydraulic mining to the navigable streams and rich arable lands of the valley, and for the losses which must continuously result therefrom to commerce and wealth in retarded development and decreased production.

6. It is the purpose of this report to give a faint idea of that damage, and to call attention to the means suggested by the Corps of Engineers of the United States Army for correcting, so far as possible, the injury already done and for preventing in the future some of the injury which must otherwise ensue. The plan proposed has been recommended after 17 years of investigation and experiment, and receives general indorsement as the only one economically feasible which will accomplish the ends sought. It has already met the approval of the Board of Engineers for Rivers and Harbors and of the various congressional committees which have examined it, has been adopted by the State of California, and is steadily progressing to completion under cooperation of Nation, State, and property owners.

THE STORY IN BRIEF WITH REFERENCE TO THE MORE COMPLETE REPORT AND AUTHORITIES.

7. *Sacramento River floods.*—The maximum floods of the Sacramento River are greater than those of any river in the United States, except the Mississippi below its junction with the Missouri, the Ohio, and the Columbia. In proportion to territory drained its floods are from 4 to 15 times as great as those of the three rivers named. The volume of water which may be precipitated, in extreme flood, into different sections of the river is from four to eight times as great as the capacity of the channel in those sections, respectively. The problem of flood control of the stream is still further complicated by immense deposits of débris washed down by hydraulic mining and by reclamation of lands in the low basins which formerly served as relief reservoirs. These basins have been accepted from the Federal Government and sold to private parties as swamp lands under obligation to reclaim. (Secs. 53 to 60.)

8. *Navigation in the fifties.*—When California was admitted into the Union in 1850, the Sacramento River throughout its entire length was a stream of clear water, free from silt of any character. For 15 years thereafter, at all seasons of the year, seagoing vessels drawing as much as 13 feet discharged at Sacramento city, 125 miles from the sea, cargoes brought around Cape Horn. Seagoing vessels even went as far as Marysville, on the Feather River, 60 miles above Sacramento. Light-draft craft plied all the year up to Red Bluff, on the Sacramento River, 323 miles from the sea. (Secs. 61 to 71, 101.)

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9. *Changed by hydraulic mining.*—With the advent of hydraulic mining this condition gradually changed, the silt, sand, gravel, and cobbles from the mines being washed through tributary streams into the main channel, where it deposited in bars and shoals, gradually raising the bed, and causing frequent overflow, with destruction of banks and injury to cultivated lands, as well as to navigation. (Secs. 72 to 80.)

10. *Federal tolerance.*—Hydraulic mining was conducted practically under Federal license, certainly under Federal tolerance, and usually on Government land. At no time up to 1893 did the Government exercise its right of protection over the navigable stream to the extent of forbidding or regulating the hydraulic mining which was destroying navigability. (Secs. 129 to 144.)

11. *Injury by flood.*—Disastrous floods (induced in part by the conditions referred to), commencing in 1861-62 and occurring at irregular intervals since, caused great injury to navigation and to property. Through breaks, or crevasses, in the levees the flood was diverted from the channel, cutting out soil on orchards and farm lands and depositing thereon sand and gravel. In the channel itself, below each break of the kind there was caused slack water, with a deposit of débris in the form of shoal or sand bar. (Secs. 80 to 92; also Exhibit A.)

12. *Navigation crippled.*—In time the river shoaled so that boats of even 6-foot draft could not reach Sacramento in the summer and fall months, but were compelled to lighter for 6 to 30 miles of the distance at great expense (Sacramento City is only 64 miles from the river's mouth). Navigation above Chico Landing (147 miles above Sacramento) even for boats drawing 20 to 24 inches ceased; and above Colusa (90 miles from Sacramento) no attempt is now made to furnish regular service by boat. Portions of the Bay of San Francisco were shoaled and access to the Mare Island Navy Yard threatened. (Secs. 93 to 120.)

13. *Rise of flood plane.*—In the attempt to protect river lands and towns from inundation levees were constructed by private interests along or near the river bank in places, and this work, in connection with the deposit of the débris in the channel, caused in time a steady rise in flood plane, which in turn necessitated still further increase in levees. At Sacramento City the flood plane rose 8 feet in 40 years. With the gradual withdrawal, by reclamation, of the reservoir capacity in the various basins, the time was apparently approaching when the cost of levees, high enough and strong enough to keep above the rising flood plane, would exceed the value of the lands which the levees sought to protect. (Sec. 98.)

14. *The courts forbid hydraulicking.*—As soon as the valley and river interests realized the injury being done to navigation and to valley interests by hydraulic mining, protests were made, but without avail. (Secs. 129 to 140.) Litigation commenced in the courts was not concluded until 1884, when Judge Sawyer, of the United States circuit court, decided in effect that such mining must cease unless the mine tailings could be so impounded as not to cause injury to the navigable streams or to private lands. (Secs. 121 to 128.)

15. *Stopped by injunction.*—Following this decision, and in the course of some years, hydraulic mining on the tributaries of the Sacramento River, save behind dams which would hold back the

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débris, was gradually stopped through the vigilance of valley associations and because of fines inflicted on the miners for contempt of court in running in defiance of the court's injunction. (Secs. 145, 146.)

16. *Conditions in 1893.*—At this time not only had the navigation of the river been in great part practically destroyed and much orchard and farming land rendered permanently worthless, but a condition had been created which made certain the recurrence of disastrous floods. And there had been washed into the tributaries of the Sacramento hundreds of millions of cubic yards of sand, gravel, and cobble which would move with each freshet, and all of which must ultimately find its way into the main channel unless some way could be found of holding the material back. (Secs. 76, 77, 147; also Exhibit D.)

17. *Congress seeks to repair the damage.*—These conditions were brought to the attention of Congress in 1893 by the various interests concerned, and an act (known as the Caminetti Act) was passed creating the California Débris Commission, to be composed of three United States Army Engineers, which act is still in force. The principal duties of the commission as therein described are: To provide for the resumption of hydraulic mining so far as can be done without injury to navigation and without damage from overflow; to restore as near as practicable the degree of navigability of the Sacramento and San Joaquin Rivers which obtained in 1860; to afford relief in flood time and to provide sufficient water to maintain scouring force in summer. Cooperation with the State was provided for by empowering the commission to confer with such body of engineers as might be appointed by the State, and the expenses of barriers, dams, dredging, etc., done by the commission in pursuance of its duties were to be shared half and half by Congress and California. (Exhibit B; also secs. 149, 150, of this report.)

18. *A mutual contract.*—The act of 1893 was practically a business proposition made by Congress to the State of California. That State by legislation promptly accepted and ratified the proposition, making it in effect a contract, and has since that time promptly paid into the United States Treasury such sums as were called for under the act as her one-half of the necessary expense involved. She has paid those amounts in good faith on the assumption that when the necessary plan had been matured it would be carried out, so that the injury done to navigation could be corrected and so that future loss from floods might be prevented. (Secs. 158 to 167.)

19. *What California paid United States.*—Under the terms of the act of 1893 California has already paid $1,000,000 into the United States Treasury, to be expended on the Sacramento River by the California Débris Commission, as agent of the Federal Government. Of this amount $400,000 was for impounding débris and $600,000 for improvement of the river by dredging; $250,000 additional is in the State treasury, subject to call of the Débris Commission. Over $350,000 more has been spent for rights of way, most of it subscribed by landowners. (Sec. 175.)

20. *Additional amounts spent for navigation.*—In addition the State has spent independently, under its State engineering department and river boards, since 1897, for rectification of navigable river channels, etc., $1,275,000. Landowners have already spent in river levee con-

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struction along the Sacramento, San Joaquin, American, and Feather Rivers up to date, it is estimated $12,000,000. The amount is undoubtedly two or three times larger than would have been necessary but for the injury done the river by hydraulic mining. All of this expenditure has been partly in the interest of navigation, since the integrity of the channel can not be preserved, particularly when partly choked by débris, unless levees be maintained. (Secs. 186, 187.)

21. *Hydraulic mining regulated.*—The California Débris Commission, in compliance with the terms of the act, regulated hydraulic mining by providing that no mines might operate unless they could hold back their débris behind safely constructed dams, built under Government supervision and subject to Government inspection. Very few hydraulic mines could comply with this condition and make a profit, and that kind of mining has, in consequence, almost entirely ceased on the tributaries of the Sacramento. (Sec. 148.)

22. *Storage reservoirs rejected.*—The débris commission, in the course of its investigations, rejected storage reservoirs as a means of flood control for the Sacramento (1) because of lack of sufficient available storage, (2) because the available storage is uneconomical. The investigations of the United States Reclamation Service and of the California State engineering department have since fully corroborated this conclusion and even demonstrated that it is physically impossible to secure flood control of the Sacramento through storage. (Secs. 223, 224, 225; also Exhibit G.)

23. *Main channel plan inadequate.*—The débris commission rejected also the main channel plan of major and minor levees, confining the floods to a wide strip on each side of the main channel. This plan was proposed on the theory that the maximum flood of the river is 250,000 second-feet. The floods of 1907 and 1909 showed that not less than 600,000 second-feet should be figured on, while the record of drainage into the valley in one season was 823,000 second-feet. (Exhibit D; secs. 11, 12, 13.)

24. *Minor project for flood control.*—In 1907 the Débris Commission reported that, having satisfactorily regulated hydraulic mining as called for by the act of 1893, it recommended, in further pursuance of its duties, that dredging operations be inaugurated to care for débris deposits and incidentally assist in flood control. The report recommended 56 months' operation of two large suction dredges. No details were given but the intimation was made that there would be forthcoming "well-matured plans, in the preparation of which all elements of the problem will be taken into account." That project (known in California as the minor project) was adopted in 1910, and the dredging operations have been going on since, the work done being principally at the river's mouth. Nation and State have been cooperating in good faith in carrying out the project suggested in the report of 1907, the State having already appropriated for the purpose $850,000 and Congress $600,000. (Secs. 153, 154, 182.)

25. *The major project.*—In 1910 the Débris Commission presented "the well-matured plans in the preparation of which all elements of the problem will be taken into account," as referred to in the report of 1907. These plans, embodying what is termed in California the major project, provide for entire flood control of the river, serving not only the cause of navigation, but also that of reclamation and of

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débris control, and in effect include the minor project of the 1907 report, now in progress. (Secs. 155, 156, 157.)

26. *Reapportionment of expense.*—In 1913 the débris commission offered a report modifying the report of 1910, not as to engineering detail but only as to method of financing, and making the expense to the National Government about half of the amount contemplated in the original report. The project as thus outlined was approved by the Board of Engineers for Rivers and Harbors, by the Chief of Engineers, United States Army, and by the Secretary of War, was favorably reported by the Rivers and Harbors Committee (in the 1914 rivers and harbors bill), was passed without dissenting voice by the House of Representatives, and was favorably reported by the Senate Committee on Commerce. The rivers and harbors bill which contained this project, however, failed in the Senate, and was replaced by a substitute bill providing a lump appropriation to be expended at the discretion of the Chief of Engineers, United States Army, in the interest of existing projects only. The Sacramento and all other projects classed as unapproved were thus excluded from the bill. (Secs. 155, 156, 157.)

27. *California creates an active agent.*—The State of California, by legislative acts of 1911 (special session), 1913, and 1915, formally approved the project, adopted the reports of the débris commission as in effect a contract between the State and the Nation and pledged herself to carry out her portion of the contract. In discharging the obligations thus placed upon her the State created the State reclamation board, with jurisdiction over the entire area of the Sacramento and San Joaquin Valleys below the flood plane, with full power to force all reclamation work therein to conform to the project, to order project work done or to do it itself, and to levy the necessary assessment for river levees and by-pass construction on the lands which would receive benefit therefrom. (Secs. 179, 180.)

28. *Cooperation between State and Nation.*—The State, as represented by the reclamation board, has kept in close touch with the California Débris Commission, has seen that all plans for levees, bridges, embankments, and cuts met with the commission's approval as being in accord with the project, has faithfully discharged all obligations laid upon her by the mutual understanding, and has pushed, as rapidly as conditions justified, that portion of the project under her charge. (Secs. 172, 180.)

29. *The only plan feasible.*—The plan outlined in these reports is declared therein to be in effect the only one economically feasible which will secure flood control of the Sacramento River; and without flood control, it is stated, there can be no permanent restoration of navigability for the rivers. It is explained that on the Sacramento River the interests of flood control, navigation, reclamation, and débris control are so interwoven that a plan which seeks to care efficiently for one must care incidentally for the others. For this reason an apportionment of expense is suggested among Nation, State, and property owners. (Secs. 218, 219, 220.)

30. *Principles of plan.*—The plan contemplates the retention in the river channel of so much of the flood as the channel, guarded on each side by strong levees, can safely carry. This utilizes current action in clearing the channel of deposits. The excess volume, in flood season, is to be diverted over concrete weirs, and into by-passes,

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through which it will be conducted over the adjacent basins and turned into the river again at Rio Vista, 15 miles from the mouth. From this point to the mouth, the channel is to be enlarged and deepened to accommodate the full volume of flood. (Secs. 168–172.)

31. *A permanent flood plane.*—The plan will make unnecessary, after standard construction has been completed, any future raising of levees such as has been continually resorted to for many years past. The crests of the weirs will fix the flood planes in the river channel in their respective districts; and floods which would raise that plane under present conditions will be automatically turned into the by-passes. (Secs. 168 to 172.)

32. *The Government's work.*—The California Débris Commission is to have sole charge of those portions of the project which are supposed to be peculiarly in the interests of navigation, including enlargement of the river's mouth, dredging in the channel, and construction of the four weirs. The cost of these elements is to be shared equally between the Nation and the State, the estimates in the report fixing the Nation's share at $5,860,000. (Since those estimates were made Congress, in caring for the minor project, has appropriated $200,000 for part of the work covered by them.) All rights of way must be paid for by the State or by private parties. (Sec. 173.)

33. *The State's responsibility.*—The State, through the State reclamation board, assumed responsibility for completion of the remaining elements of the project, including 503 miles of river levee and 186 miles of by-pass levees and the securing of the necessary rights of way (about 85,000 acres). The cost of this work is to be assessed by the reclamation board on lands benefited by the project in proportion to benefits received. In some cases the completion of the project will incidentally reclaim private lands; in others it will insure conditions under which the owners can go on with reclamation work; in all cases it will afford reasonable assurance of safety against future floods. In no event will any of the expense for this portion of the project be borne by the United States. (Secs. 173, 174.)

34. *Work at the river's mouth.*—Work on that portion of the project in charge of the California Débris Commission has been confined to dredging at the river's mouth under "minor project" appropriations. Some 13,000,000 cubic yards have been removed by the hydraulic dredgers, the new cut thrown open to the action of the current, and an appreciable improvement in run-off of flood waters already secured. (Secs. 181, 182.)

35. *Progress in weir preliminaries.*—There has been, necessarily, no work done by the débris commission in weir construction, in the absence of the adoption of the major project and the inapplicability of minor project appropriations thereto. Sites for three of the four weirs have already been secured, however, and Sacramento city has in her treasury the money necessary for building the Sacramento Weir, construction of which she will undertake because of the protection it will afford her. Her citizens voted to advance $594,000 for the purpose, fearing that Federal appropriations therefor might come too late. (Secs. 183, 184.)

36. *Progress in the State's portion.*—Since the presentation of the débris commission report of 1910, and particularly since the adoption (December, 1911) by the State of the project therein recommended and the creation of the State reclamation board, private capital has,

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in response to the State's invitation, spent many millions of dollars in reclamation works which form incidentally integral portions of units of the great flood-control project. In this way the completion of river and by-pass levees, as called for by the plans and on standards fixed by the reclamation board, is rapidly progressing. The entire Sacramento by-pass and weir, it is expected, will be commenced within the next few months and pushed steadily to completion.

In securing material for construction and betterment of river levees, private reclamation districts have dredged out of the navigable channels millions of cubic yards of débris deposit, the removal of which is contemplated in the major project. (Secs. 185, 186.)

37. *Losses due to lack of flood control.*—While the State is steadily pushing her share of the project, the work she is doing will lose its value unless Congress adopts the major project and makes such appropriations as will enable the engineers to complete those portions having to do with the navigable channel over which the Federal Government exercises exclusive jurisdiction. Delay in securing flood control, which can be had only through completion of this project, means great loss of property, and perhaps life, as well as serious injury to navigation.

The reports of the Chief of Engineers, United States Army, 1910, show that the loss in the Sacramento Valley in the floods of 1907 and 1909 was $11,000,000, and that Marysville was without railroad service for 10 days and San Francisco practically isolated for over 1 week by failure of bridges and railroad beds. Two transcontinental lines—the Southern Pacific and Western Pacific—run through the valley, as well as a number of local lines, and the interruption to mail service and business under such conditions is serious. (Secs. 80 to 93.)

38. *An obligation of Congress.*—The clear intent of Congress, expressed in the act of 1893, to restore the navigation of the Sacramento and San Joaquin Rivers as near as practicable to the conditions existing in 1860; California's prompt compliance with the conditions of the act and the appropriations which she has made for prosecution of the work; the methods of the débris commission in discharging one after another the duties imposed on it by the act; its regulation of hydraulic mining and report on the accomplishment thereof; its attempts at débris control, with varying success up to its report of 1907, which recommended dredging as the final resort; its failure to outline therein any plan for such work save the construction of two dredges, and its reference to "well-matured plans in the preparation of which all elements of the problem will be taken into consideration"; its final presentation in 1910 of those well-matured plans covering flood control and all elements of the problem, and its suggestion that this was the last of the duties assigned it; the readiness with which appropriations were recommended and made as called for by each progressive step toward the accomplishment of the purpose clearly set forth in the act of 1893; all are strongest indications of the belief on both sides that a contract had been entered into in good faith between the Nation and the State, and that the injury to the Sacramento River done by hydraulic mining under national tolerance was to be remedied so far as practicable by cordial cooperation between State and Nation. This is

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apparently the view of the United States Army Engineers, as it certainly is that of the State, for in the hearing before the Rivers and Harbors Committee, February 7, 1912, Col. John Biddle, United States Army, senior officer at that time of the California Débris Commission, expressed, in effect, the opinion that undoubtedly the State of California would not have appropriated $400,000 for the minor project unless it had understood that the improvement of the river would be completed under a matured plan, since otherwise the $400,000 would have been practically thrown away. (Secs. 158 to 167.)

39. *A business investment for the United States.*—Aside from the weight which may be given to the apparent understanding in this matter—the necessity for speedy completion of the Sacramento flood-control project, the benefits, National and State, which will flow therefrom, and the widespread disaster which must follow a failure on the part of the Federal Government to cooperate should be sufficient to secure its prompt indorsement at the hands of Congress. In the following statement of the results which will be accomplished by the completion of the project will be found sufficient justification for the Nation to regard it as a good business investment on its part.

40. It is the only plan through which flood control of the Sacramento River can be secured; and only through that flood control can the following results be attained:

41. (*a*) Restoration and maintenance of the navigability of the Sacramento River, injured through hydraulic mining. Ocean freighters drawing 13 feet used to deliver cargoes at Sacramento city, 125 miles from the sea, at all seasons of the year. Light-draft craft formerly carried freight and passengers all the year around to Red Bluff, 323 miles from the sea.

42. (*b*) Protection of the San Joaquin River which has a common delta with the Sacramento, and which is affected by floods of the Sacramento as far as the city of Stockton, 45 miles from the river's mouth.

43. (*c*) Transportation for passengers and freight from the lower stretches of the two rivers which, because of the physical conditions, are not accessible to railroads.

44. (*d*) Maintenance of low freight rates for the products of the two valleys. Ninety per cent of all freight between Sacramento and San Francisco and between Stockton and San Francisco is carried by river boat, at about one-third the expense of rail transportation. Improvement of river conditions above Sacramento city would tend to induce similar conditions in the upper valley.

45. (*e*) Maintenance of an inland waterway system of which the two navigable rivers must be necessarily the main arteries. Upon such a waterway system depends in large measure future development of the Sacramento and San Joaquin Valleys and the commerce of the State, since without cheap water freights to tidewater products of the valleys can not secure profitable access to the markets of the world. The history of inland waterways in Europe will make this point very clear.

46. These two valleys, comprising about 10,000,000 acres, will grow to advantage any product called for by the necessities or desires of the Nation. Properly developed and under intensive cultivation the year round they could furnish a large portion of the

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supplies demanded by the country in time of stress. They would become under such conditions a national economic asset which might be invaluable and which, it would seem, Congress at this time can not afford to ignore.

47. (*f*) Safety from disastrous floods for a million and a quarter acres of rich alluvial lands. The annual crop on so much thereof as is now reclaimed, or partly reclaimed, is valued at $30,000,000. Included in the district are the cities of Sacramento and Stockton, with population of 120,000 and property assessment of over $100,000,000.

48. (*g*) Creation of permanent wealth in lands now subject to overflow and which can not be reclaimed or used for any purpose in the absence of flood control of the Sacramento. If these lands were reclaimed and under intensive cultivation under protection of the completed flood-control project the present value of the annual crop in the river districts would be easily doubled. (Secs. 188 to 215.)

THE PROJECT AND ITS HISTORY IN DETAIL.

THE GREAT INTERIOR VALLEY.

49. The greater portion of the arable section of California is comprised in an immense valley about 400 miles long and 40 miles wide. It is inclosed on the east and west by the Sierra Nevada and Coast Range Mountains, respectively. The two converge above Red Bluff in the north, while the southern boundary is formed by the Techachipa Range, joining the Coast Range and the Sierra Nevada below Bakersfield. On the earlier maps of the United States Geological Survey this valley is called "The Great Interior Valley." To-day it is known in its northern part as the Sacramento and in its southern part as the San Joaquin Valley, the first containing about 3,000,000 acres and the latter about 7,000,000 acres. There is no distinguishable dividing line between the two, though the Consumnes River is usually accepted as such line.

50. In prehistoric ages the entire valley was an arm of the sea. It was gradually filled up by material washed down from the mountains, until eventually there was left only San Francisco Bay, with its arms and estuaries and a narrow opening—the Golden Gate—through the Coast Range to the sea.

51. The upper portion of the Great Valley is drained by the Sacramento River, flowing south, and the lower portion by the San Joaquin, flowing north. The two rivers have a common delta, and their main streams, flowing on opposite sides of Sherman Island, empty side by side into Suisun Bay, an arm of San Francisco Bay, 61 miles from the sea. Because of their common delta and the difference in volume of their floods, the San Joaquin in the lower 45 miles of its course is subject to flood and injury from the Sacramento.

52. When California was admitted into the Union, in 1850, and for many years afterwards, both streams were particularly valuable for navigation. On the San Joaquin ocean boats navigated to Stockton and light-draft craft ran for half of the year as far as Hills Ferry, 129 miles from the mouth of the river, and for a few weeks at high water they ran to Firebaugh, 79 miles farther. Navigation on the San

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Joaquin to-day is limited practically to that stretch of the river lying between its mouth and the city of Stockton, a distance of 45 miles, the Government maintaining therein, under existing project, a channel depth of 9 feet. The river is navigable, however, for 15 miles above Stockton. The navigability of the upper river has been practically destroyed by the demands made upon its sources of supply for water for irrigation. In the San Joaquin Valley the volume of available water is less and the quantity of land to be irrigated much greater than in the Sacramento Valley. The maximum flood volume of the river is 155,000 second-feet. (See statement G. A. Atherton, hearing Rivers and Harbors Committee, July 23, pp. 7 and 8 (Exhibit H); also Report Chief of Engineers, 1915, pp. 1461 and following.)

THE SACRAMENTO RIVER FLOODS.

53. It is with the Sacramento River that this report has more particularly to do. This river has a flood volume exceeded only by three rivers in the United States—the Mississippi below its confluence with the Missouri, the Ohio, and the Columbia. In comparison to the area of territory drained, its flood volume is over four times as great as that of either of the latter two streams and 15 times as great as that of the Mississippi. Its maximum flood is now usually estimated at 660,000 second-feet, though the records show a flow into its basin in 1907 of 823,000 second-feet.

54. It had been assumed, as late as 1906, due to lack of data concerning earlier floods, that the maximum flood of the Sacramento did not exceed 250,000 second-feet. In 1881 it was thought to be 100,000 second-feet "and perhaps more for a short time." (Rept. Chief of Engineers, 1881, p. 2517.) If the Columbia and Ohio carried floods equal in proportion to the territory drained to those of the Sacramento, the maximum discharge of each would be about 5,000,000 second-feet, instead of the 1,390,000 and the 1,233,000, respectively, with which they are now credited, while the Mississippi's discharge under similar conditions would be about 25,000,000 second-feet instead of 1,777,000 second-feet. (H. Doc. No. 81, 62d Cong., 1st sess. (Exhibit D), p. 19.)

55. The records show that at Iron Canyon, where the Sacramento River enters the valley, it carried, on February 3, 1909, a flood of 276,000 second-feet. This point is 109 miles above Colusa. The maximum capacity of the river channel below Colusa and down to the Tisdale Weir, is 65,000 second-feet, while below the Tisdale Weir and to the mouth of the Feather, a distance of 34 miles, the maximum capacity is only 35,000 feet. (See map.)

56. The Feather River, carrying with it the floods of the Bear and Yuba and smaller tributaries, has, at its mouth, an estimated maximum flood of 250,000 second-feet (in 1907 this was exceeded), while the channel of the Sacramento, from this point down to the city of Sacramento, 20 miles, has at present a maximum capacity of only 75,000 or 80,000 second-feet.

57. The American River enters the Sacramento a half mile above Sacramento city, its maximum flood volume being estimated at 180,000 second-feet, while the maximum capacity of the Sacramento

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River channel from Sacramento city down to Suisun Bay is but 110,000 second-feet.

58. Because of the difference in length of streams, the floods reach Sacramento city from the headwaters of the Sacramento River approximately in 96 hours, from the Feather and Yuba in 48 hours, and from the American in 9 hours. The gravest danger to the valley is created when, because of difference in time of storm in the drainage areas of the respective streams, or because of long continuance of storm, the floods from the three sources, or from two of them, crest together at Sacramento.

60. These conditions in themselves create, it is seen, a serious flood-control problem. That problem is greatly complicated by the hydraulic mining deposits and by the reclamation of basin and river lands accepted from the Federal Government under obligation to reclaim.

EARLY NAVIGATION ON THE SACRAMENTO.

61. In the early pioneer days the Sacramento River was a perfectly clear stream with pebbly bottom. From 1850 to perhaps 1865 it was navigable at all seasons of the year for seagoing craft drawing from 9 to 13 feet of water up as far as Sacramento and, for the earlier part of the period named, some little distance beyond Sacramento. Indeed most of the steamers which plied on the river in those days had to be seagoing craft, for they made their way to California from east Atlantic ports around Cape Horn or through the Straits of Magellan. Tidal influence was felt in 1849 at the mouth of the Feather River and at Sacramento was fully 2 feet. The records on these points are conclusive and interesting.

62. In the transcript of the hearing, held in California July 23, 1915, before the Rivers and Harbors Committee, appears, at page 15, the following statement made by A. E. Anderson, president of the California Transportation Co., which for many years has operated steamboats on the Sacramento and San Joaquin Rivers:

> Prior to the time when the river was damaged by hydraulic mining and up to 1865, seagoing ships drawing from 9½ to 13 feet made regular trips to Sacramento at all seasons of the year—spring, summer, autumn, and winter. One steamboat, the *Senator*, drew 13 feet of water.

The steamer *Senator* referred to by Mr. Anderson was a boat of 755 tons, built to run from New York to Portland, Me. She came to California, reaching Sacramento November 6, 1849, and thereafter plied regularly for many years between Sacramento and San Francisco. The *New World*, a very much larger boat, which was placed on the river may years afterwards to run between the same points, was built to run out of New York to Atlantic ports, and, like the *Senator* and other steamers, came to California by sea. (Judge Sawyer's decision, Exhibit A.)

63. Seagoing craft went up the Sacramento beyond Sacramento city and 30 miles up the Feather River to Marysville. In 1849 the steamer *Linda* came to California round Cape Horn, went up the Sacramento and Feather, and beyond Marysville up the Yuba 4 miles. The township within which she landed still bears the name *Linda*.

64. During the 50's several lines of steamers were regularly running to Marysville. The Sacramento Bee on February 16, 1862,

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recorded the fact that the *Defiance*, drawing 2 feet, had gone up the Feather 30 miles above Marysville to Oroville.

65. In "The History of Sacramento County," by Winfield J. Davis, published 1880, from pages 60 to 66, are interesting details as to early navigation, from which the following facts are briefed:

66. The Alta California (a San Francisco newspaper) in its issue of January 4, 1850, refers to the bark *Whiton* (which arrived at Sacramento May 4, 1849, with cargo from the Atlantic) as a comparatively small craft. She drew 8 feet. The first big steamboat to be seen at Sacramento was the steam-propeller *McKim*, which reached there from New Orleans in September, 1849, and thereafter made regular trips on the river. Her passengers paid in fares on her first river trip $16,000, the fare being $30 a piece. The steamer *Senator's* first trip to Sacramento is mentioned.

67. The Alta California of August 31, 1849, published a list of 45 vessels plying up the rivers Sacramento and San Joaquin, the sizes of which are not given, but most, if not all, of which must have come by sea from east Atlantic ports.

68. One day in 1850 a list of steam and sailing vessels at the wharves of Sacramento numbered 65.

69. A list of 25 steamers, large and small, is given which regularly ran in and out of Sacramento in 1853, the *Senator* being the largest. The total value of the steamers was $1,086,000. Fares had been reduced in 1851 to $1.

70. In 1854 one of the new river boats, the *Queen City*, built by the citizens of Marysville, 200 feet long with 9-foot hold, carried on her first trip 919 passengers.

71. The Sacramento River steamers increased in size and improved in appointments steadily for some years, the largest making regular trips to Sacramento being the *Capital*, 1,625 tons, which appeared first in March, 1866.

HYDRAULIC MINING AND ITS DÉBRIS.

72. Gold was discovered in California in 1848, following which came the rush of gold seekers to the State and the prosecution of mining as the leading industry for a number of years. About 1856 the hydraulic method of mining came into use in the State. The method consists in sluicing away the top soil and lower strata of clay, sand, gravel, and cobbles that overlie the bedrock on which the gold is usually found and catching the gold in sluices and riffles. The débris is carried down by the stream of water, finding temporary lodgment in the creeks and small tributaries, but pushed eventually by the freshets into the navigable river channels.

73. The sluicing was done originally by water carried under pressure in canvas pipes and delivered through nozzles, such as are found on fire hose. The hydraulic "monitor," invented in 1865, was soon afterwards generally adopted, and, within 10 years thereafter, the hydraulic mining industry had enormously increased. With the use of a monitor with an 8-inch nozzle and a water pressure, such as was usually used, of 250 to 500 feet, 185,000 cubic feet of water could be discharged in an hour with a velocity of 150 feet per second. Against this force immense mountains, 300 or 400 feet high, melted like sugar. One monitor would use as much as 1,500 miner's inches

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of water, equivalent to a discharge of 25,000,000 gallons, in 24 hours. As the mines worked without cessation, using electric light at night and blasts of powder of 30 and 40 tons were utilized to assist in breaking up the mountains, the amount of material washed down in a comparatively few years by a large number of mines assumed enormous proportions. It requires, however, the sight of the immense craters, 300 and 400 feet deep, left in the mountains to properly appreciate the force of this agency and the quantity of débris sent into the streams. (Woodruff *v.* N. Bloomfield G. M. Co., 18 Fed. Rept., 757.)

74. In 40 days, using 3,000 miner's inches of water, the Miocene mine discharged into the Feather River above Oroville no less than 300,000 cubic yards (52,500 railroad carloads) of débris. Up to 1878 the Excelsior Co. alone had washed into the Yuba 8,000,000 cubic yards (14,000,000 tons). (Wm. A. Lawson, Sacramento Bee, Sept. 28, 1915.)

75. The official reports of William Ham. Hall, State engineer of California, declare that the hydraulic mines operating upon the streams draining into the Sacramento Basin were using in 1879 an annual supply of 15,000,000 miner's 24-hour inches of water (60,000,000,000 gallons), and that they were annually washing into the streams and canyons 53,000,000 cubic yards of material. The Yuba River alone, he estimated, received annually 22,362,500 cubic yards, a quantity which would have filled the entire length of the Erie Canal, as it then existed, to two-thirds of its extreme capacity.

76. In addition to the enormous quantities of this material which had been brought down by floods in the 60 years preceding 1912 and deposited in the basins and on agricultural lands and in the lower bay, or carried out to sea, it was estimated in the year named that there was then in the navigable channel of the Sacramento between the mouth of the Feather River and the mouth of the Sacramento (a distance of 84 miles) from 80,000,000 to 120,000,000 cubic yards of the material (biennial report State engineering department, California, 1912, p. 103); that there was in the lower channels of the Feather and the American, in addition, not less than 300,000,000 cubic yards, which must in time find its way into the Sacramento (H. Doc. 81; Exhib. D, p. 5); that in the Yuba Débris Basin at the mouth of the Yuba was a deposit, covering 25 square miles, from 8 to 26 feet deep, and estimated to contain from 360,000,000 to 600,000,000 cubic yards (State engineering report, 1912, p. 111), and that this deposit, while losing each year an amount washed by the floods into the Feather, still received an annual net increase of 3,000,000 cubic yards.

77. In the report, February, 1891, of a board of engineers, United States Army (Lieut. Col. Benyaurd, Maj. Heuer, and Maj. Hanbury), appointed in accordance with act of Congress October 1, 1888, to investigate the mining débris question (H. Ex. Doc. 267, 51st Cong., 2d sess., p. 12) are given estimates of the amount of débris at that time in the upper streams, aside from that which had already gone down into the navigable channels. This estimate included 66,000,000 cubic yards for the canyons of the Bear and its tributaries, and 36,000,000 in the stream bed above its junction with the Feather; and in the canyons of the American (two forks) 49,000,000 cubic yards. The report states that "the amount now remaining in the

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canyons and beds of the streams is but a small portion of that taken from the mines," and estimates the amount mined out of the basin of the Yuba alone at 444,640,000 cubic yards.

78. The State engineer of California reported to the California Legislature in 1880 (Pt. III)—

That at the rate of March 6, 1879, under a discharge of 25,750 cubic feet per second, 207,645 cubic yards of sediment was discharged every 24 hours by the Yuba River at Marysville.

79. In the report of the California commissioner of public works, 1904 (known as the "Dabney Commission" report), page 19, appears this:

At a point about 4 miles east of Marysville the sand deposits have been built up in the bed of the Yuba to a height of 13 feet above the farming land on the opposite side of the levee.

DAMAGE TO LANDS.

80. Most of the hydraulic mining was done on the Yuba, the principal tributary of the Feather, the débris from this source amounting to more than that from all other tributaries of the Sacramento combined. The American River furnished the next largest quantity. On the Sacramento itself and its tributaries above the mouth of the Feather there was no hydraulicking and that portion of the river continued clear, save for such injury as it received from floods of the Feather coming across the Sutter Basin. The amount of débris deposited in the navigable channels of the Feather and Sacramento became, in time, so great as to raise the bed of the stream in places from 5 to 16 feet. (State Eng. Rept., 1912.) With decreased capacity the stream was no longer able to carry ordinary floods and inundation of river lands followed. Levees were broken by force of the water, deep depressions cut in the river banks by the current, the floods diverted through such cuts or crevasses, and immense quantities of sand and gravel deposited on orchard and agricultural land, destroying its value for cultivation. Gentle floods, which do not cut the land and carry only the silt from the top inches of surface soil, act as fertilizer, as they do on the Nile; but the sand and gravel from lower strata of the mountains, washed down by hydraulicking, covered the rich lands with a worthless layer which could be transformed into soil only after many years' action of the elements.

81. Below each crevasse in the river levee and bank caused by the floods, there was created slack water in the river channel and a deposit of débris in the shape of shoal or sand bar, which served to impair or possibly entirely block navigation until it was removed. These conditions, both as to injury to navigation and destruction of private lands, steadily grew worse, not only while hydraulic mining continued, but after it had ceased, because of the immense deposits in the Yuba, Feather, and American Rivers, some portions of which were washed into the Sacramento by each freshet.

82. From the syllabus of the court's decision in Woodruff *v.* North Bloomfield Mining Co., tried in the United States Circuit Court Northern District of California (18 Fed. Rep., 753), the following,

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quotation is made. It concerns conditions in 1884. (See also Exhibit A.)

The débris thus discharged has produced the following effects: It has filled up the natural channel of the Yuba above the level of its banks and of the surrounding country and also of the Feather, below the mouth of the Yuba, to the depth of 15 feet or more. It has buried with sand and gravel and destroyed all the farms of the riparian owners on either side of the Yuba, over a space of 2 miles wide and 12 miles long. It is only restrained from working a similar destruction to a much larger extent of farming country on both sides of the river, and from in like manner destroying or injuring the city of Marysville, by means of a system of levees, erected at great public expense by the property owners of the county and inhabitants of the city, which levees continually and yearly require to be enlarged and strengthened to keep pace with the increase in the mass of débris thus sent down, at a great annual cost, defrayed by means of special taxation.

83. In the decision itself (which is full of interesting detail as to damage done by débris) it is stated that the citizens of Marysville paid as high as 7 per cent annual tax because of the necessity for levee protection created by this débris. As a matter of fact, the taxes per $100 of assessed valuation collected by Marysville for the five years commencing 1906 were $4.50, $7.05, $4.85, $6.12, and $5.65, respectively. Of the 1907 tax ($7.05) $3.25 was for levee work. The city of Marysville, with 5,000 population, has paid out approximately $1,000,000 for levee construction.

84. The nature of damage indicated as inflicted on the lands adjoining the Yuba was later inflicted on the lands along the Feather, the American, and the Sacramento, as the débris deposits were forced down into those streams and produced similar result.

85. On the American River at Folsom, 22 miles from Sacramento, there was built in 1890, at an expense of about $1,000,000, a dam with diverting canal and power plant which transmitted electric energy to Sacramento City. This was the first long-distance transmission for lighting purposes in the world, while priority for power purposes was due to one other plant only, in Italy. Within a comparatively few years after this dam was built the reservoir became worthless for storage because it was filled up by mining débris, and the entire plant became practically useless save during flood stages of the river.

86. In 1880 William Ham. Hall, State engineer, reported that upon the Yuba, Feather, and Bear Rivers and Auburn Ravine and Dry Creek 43,000 acres of valuable land had been covered by débris, with a loss to the owners estimated at $2,597,000. This did not include actual damage to lands along the Sacramento and American, nor the expense occasioned other lands in leveeing for protection.

87. Subsequently a more detailed estimate of this damage was prepared by Dr. M. M. Chipman, of San Francisco, chairman of the committee on medical topography of the Medical Association of California. He showed that over 40,000 acres of rich fruit and garden land had been entirely ruined and that 270,000 acres had been greatly damaged. He estimated the total visible loss and depreciation of value from hydraulic mining at that time at $15,922,000, distributed among five counties as follows: Yuba, $6,527,000; Butte, $170,000; Sutter, $6,799,000; Sacramento, $2,340,000; Placer, $86,000.

88. Since that time the loss has multiplied in the direct injury to other lands through deposit thereon of débris and in the constantly increasing expense of levee construction to keep out the steadily rising flood plane.

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89. Up to and including the year 1907 the two counties of Sutter and Yuba (including the city of Marysville) had paid out for levee construction, necessitated in large part by the results of hydraulic mining, $5,747,329.59. (Statement county supervisors to Board of Engineers for Rivers and Harbors, United States Army, at Marysville, Aug. 15, 1914.)

90. Up to July 1, 1909, reports from 41 reclamation districts out of 48 in the Sacramento Valley showed that such districts had expended for protection against floods $15,039,525. (Doc. 81, Exhibit D, p. 7.) This did not include Sacramento city. Since that date several more millions have been spent.

91. Sacramento city has expended on her levee system in the neighborhood of $5,000,000; and is now about to construct, under plans already approved by the Chief of Engineers, United States Army, a half million dollar weir in the Sacramento by-pass. The city is providing funds for the construction in advance of Federal appropriation, because of the grave danger threatening the city until that weir and its by-pass furnish easement for American River floods.

92. When the great floods come the amount of damage done in the absence of flood control, is very great. From the report of the California Débris Commission of 1910 (Doc. 81, Exhibit D, p. 7), it is learned that the damage done by the floods of 1904, 1907, and 1909, amounted to $11,000,000. It is estimated that the Southern Pacfic Co. was injured to the extent of nearly $1,000,000 by washouts and interruption to traffic. Sacramento and San Francisco in 1907 were practically cut off for nearly 10 days, with corresponding interruption in mail service and general business.

INJURY TO NAVIGATION.

93. The deposits of mining débris, moving down the channels of the navigable rivers with each flood, acted in manner similar to that noted on the Yuba, gradually choking the channel, forming sand bars, and decreasing the available depth until in time it became impossible for even the lightest draft craft to navigate the Feather during the greater part of the year, while on the lower Sacramento the large seagoing craft were in time replaced by flat-bottom stern-wheelers of light draft, and even these could not load to capacity in the summer and fall months, and often had to lighter cargo below Sacramento.

94. In 1875 the low-water depth in the Feather had been reduced to 2 feet, and one small steamer made a weekly trip between Marysville and San Francisco. In 1890 boats ceased running on the Feather, the débris conditions having become so bad that one steamer and one barge with full cargoes were sunk and insurance companies declined to write risks on the river traffic. Navigation of the river has not been practicable since then, save at flood stage. (Statement of Marysville Levee Commission to Board of Engineers for Rivers and Harbors, Aug. 15, 1914, p. 27.)

95. In the latter part of 1859 and spring of 1860 a bar formed in the Sacramento River across the mouth of the American (which then entered the Sacramento a half mile below the present location) and extended down to the Sacramento city drawbridge, forming an

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obstacle to up-river navigation. In 1866 the large river steamers could no longer reach their landing at Sacramento city and the city levied a tax to clear out the channel. (History of Sacramento County, by Winfield J. Davis, pp. 60 to 66.) Dredging of this kind, however, could not stay the flood of débris, and gradually the deeper-draft steamers, such as the *Senator*, *New World*, *Capitol*, *Chrysopolis*, *Yosemite*, and others, were withdrawn from the river and used exclusively on the Bay of San Francisco and its salt-water estuaries.

96. These deposits of débris in the stream were always greatest after heavy flood, and particularly below crevasses in the levees which had permitted a diversion of the current and a deposit in the channel below each break where slack water was produced.

97. Opposite Sacramento city in many seasons at low-water stage there was a bar on which one might walk dryshod across the greater portion of the river. In 1910 the channel itself in front of the bridge draw was thus closed, and the United States Army Engineers used a clam-shell dredge to clear a channel so that up-river traffic might be resumed. They deposited the material, through necessity, at one side in the middle of the river, where it formed an immense mound, which gradually disappeared during succeeding flood seasons. In 1913, the engineers dredged through a similar shoal in front of Sacramento city, moving 27,000 cubic yards of material, and through another deposit at the mouth of the Feather, moving 25,000 cubic yards. (Report of Chief of Engineers 1914, p. 3169.)

98. The low-water gauge readings at Sacramento city offer a striking illustration of the steady filling up of the river from mining débris, and resultant injury to navigation, because the reading on the gauge rose as the débris raised the bottom of the channel. According to the 1914 report of the California Débris Commission (Report of Chief of Engineers 1914, p. 3315) the water reached zero on this gauge in 1849 and again in 1856. The peak of the débris effect appears to have been reached in 1896, at a reading of 8.5, though in 1890 a reading of 9.3 occurred. The average readings of this gauge at low water, in periods of five years each, show a steady increase in height from zero in 1849 to 8 in the period of 1896, and then a steady decrease down to 2.6 in 1913, then an increase to 4.2 feet in 1914 and 4 feet in 1915. It should be explained that since 1909 there has been no great flood, the levees below Sacramento city have held intact, and there has been in consequence a gradual scouring of the channel. The gauge readings from 1849 to 1915 follow:

Average low water at Sacramento for 5-year periods, 1849 to 1913.

Average gauge reading:	Feet.
1849–1853, five observed years	0.6
1854–1858, five observed years	1.2
1859–1863, three observed years	2.2
1862–1873, no records.	
1874–1878, five observed years	5.5
1879–1883, five observed years	6.5
1884–1888, five observed years	7.3
1889–1893, four observed years	7.8
1894–1898, five observed years	8.0
1899–1903, five observed years	7.2
1904–1908, five observed years	6.8
1909–1913, five observed years	4.7
1913, one observed year	2.5
1914, one observed year	4.2
1915	4.0

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99. In 1869 the Central Pacific Railroad commenced operating in connection with other railroads a through overland service to New York. Its western terminus at the time and for several years was Sacramento city, from which point passengers were transferred to San Francisco by the company's boats. In April, 1869, the Central Pacific bought out the California Steam Navigation Co. and its river boats, and thereafter for many years competition on the river practically ceased. Whenever an opposition boat made its appearance, the railroad company reduced the fare to 25 cents and the freight rate accordingly, and the opposition soon died. In time the commerce of the river became sufficiently great to justify competition even against a railroad company, and in time, too, the State passed laws which did not permit the throttling of competitive public service corporations through temporary cutting of rates.

100. During this period of stagnation in navigation the condition in regard to navigability of the stream grew steadily worse, and the floods of 1904, 1907, and 1909, which brought down great quantities of débris from the Yuba, Feather, and American, added to a situation already very bad. Boats drawing 6 feet of water with light load could not reach Sacramento city and had to lighter cargo for 30 miles. Sacramento city is only 61 miles from the mouth of the river. Note the statement of Capt. A. E. Anderson, president of the California Transportation Co., before the Rivers and Harbors Committee, February 7, 1912, as appears in the published document at page 46, as follows:

Capt. ANDERSON. I was compelled to maintain a steam-barge service in the year 1911, from the 1st of September to about the 5th or 6th of January, 1912, to lighter cargo of these steamers in and out of Sacramento, not having over a 5 foot 6 inch channel; that did not permit me to go into Sacramento with over 120 tons of cargo.

Mr. KENNEDY. That is just a short distance, though.

Capt. ANDERSON. That was a distance of 30 miles, the lightering. The bad reaches of this Sacramento River, from Sacramento down the first 30 miles, have been largely due to the floods of 1904 and 1907, which washed so much of the material into the river from the American and the streams above, and it was stated by one other member of the committee that right at this point, where a railroad bridge crosses the river, the department was compelled to hire dredges two years ago and take material from the river and deposit it in another part of the river to make a small gutter to permit the boats to go upstream. Until they did that there was absolutely no connection between Sacramento and the river above.

101. The commission of three United States Army engineers, appointed under request of Congress to find means for adjusting the conflict between miners and farmers—Lieut. Col. Benyaurd, Maj. Heuer, and Maj. Hanbury—reported in 1891, in speaking of the results of mining débris on the river channel between Sacramento city and Suisun Bay (Report of Chief of Engineers, p. 3014):

It is therefore evident that in 40 years the effective depth of water in the river has been reduced from 12 feet to depths of 5½ feet and, during one year at one locality, to 3 feet 10 inches.

(Lest there should seem a discrepancy between the effective depth of 12 feet referred to in this report and the fact that the steamer *Senator*, drawing 13 feet, regularly plied to Sacramento in the early days at all seasons of the year, it is explained that in the early days and for many years the trip to Sacramento was made via Steamboat Slough, a branch of the river on the west side of Grand Island, providing a shorter and deeper channel than Old River, on the east side of the island; that, subsequently, and before the report of 1891,

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navigation was diverted to Old River; and that the original depth of 12 feet used in comparison with existing conditions in 1891 was the minimum depth in early days in Old River and not in Steamboat Slough.)

INJURY TO THE BAY.

102. The masses of débris put in motion by the freshets not only deposited material all along the Sacramento River channel, raising the bed and making shoals and bars therein and creating islands of size at the river's mouth, but necessarily added enormously to the deposits in San Francisco Bay.

103. The Government surveys indicate that the filling from this cause in certain parts of the bay has been most serious, and that it must continue while the Sacramento floods carry down that portion of the débris which can not be held back in the canyons and tributaries. The situation assumes additional gravity, because the deposits have been large in the channel, which serves as an approach to the Mare Island Navy Yard, making more difficult and expensive the maintenance of depth sufficient to safely accommodate large warships.

104. San Francisco Bay in its northern portion is called San Pablo Bay, and this is connected by the Carquinez Strait with the upper bay—Suisun Bay—into which the Sacramento and San Joaquin Rivers empty. The Mare Island Navy Yard is located on a channel connecting with the strait. Suisun Bay naturally serves as settling basin for much of the débris brought down by the Sacramento, but San Francisco and San Pablo Bays are also being shoaled by it.

105. What the débris has done in shoaling the approaches to the Mare Island Navy Yard is plainly indicated in the reports made to the Chief of Engineers, United States Army, in connection therewith. In House Document 1103, Sixtieth Congress, second session, is presented the report (1908) of a board of engineers commissioned to investigate the approaches to the navy yard with a view of providing floatage for deepest draft warships. The report states that, notwithstanding dredging, there has been in 56 years a shoaling of about 9 feet between Mare Island and Vallejo and about 16 feet on the bar. Comparisons of surveys at various dates showed at the entrance to the strait in 1851 no sign of a bar with a controlling depth of 34.5 feet; in 1856 there was a bar with controlling depth of 28.5 feet; in 1864 it was 25.5 feet, while the inner channel in the same time had shoaled from 27 feet (the least depth, which obtained in only a small area) to 21 feet. There were no soundings of record between 1876 and 1896. In 1898 the minimum depth on the bar was 21 feet and in the channel 15 feet. In 1900 a depth of 28 feet was obtained in a channel by dredging and thereafter until 1905 there was steady filling over channel and bar.

106. The report doubts the absolute accuracy of the earlier charts, but says there can be no doubt that rapid shoaling has taken place since the establishment of the navy yard. "It has been thought," says the report, "that the débris brought down from hydraulic mining has been one of the main causes; there is, however, no evidence to that effect. Moreover the material brought down from

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hydraulic mines will in future be an almost negligible quantity, as hydraulic mining is controlled under the present laws."

107. In making the latter statement the engineers apparently lost sight of the amount of débris in the upper streams. The floods of 1907 and 1909 clearly demonstrated that each great flood must be expected to bring down a mass of débris, while every freshet will carry some.

108. The character of the material causing the shoaling in the Navy Yard Channel, too, was clearly established by surveys made 12 years before by Maj. Charles E. L. B. Davis, Engineer Corps, United States Army, and reported by him November 19, 1896, in House Document 134, Fifty-fourth Congress, second session. He says "the character of the bottom revealed by the lead and determined by the borings seems to indicate that most of the deposited material is 'slickens' brought down by the Sacramento River from the mines on its upper tributaries."

109. Lieut. Col. Mendell, United States Army, in an earlier report February 1, 1881 (Report of Chief of Engineers, 1881, p. 2518, on causes producing decrease of depth in San Francisco Bay), said that at that time the influence of mining débris in producing this effect had not been measured and he added:

> It may be remarked that mining detritus is easily recognized, being quite different from the natural alluvial deposits, so that there will be no particular difficulty in tracing this influence wherever it may be found.

It is extremely unlikely therefore that Maj. Davis was mistaken in reporting the deposit as "slickens" (the clay silt from mining débris). It is probable, too, that the commission of engineers who made the 1908 report was not aware of the Davis survey.

110. The Navy Department, in the fall of 1915, completed dredging the Navy Yard Channel to a depth of 30 feet at low water. The department engineers estimated that this depth can be maintained under existing conditions at a yearly expense of $40,000 to $80,000. There is a tide at Mare Island of 6 feet.

The War Department under an existing project authorized by Congress maintains a channel 600 feet wide and 30 feet deep at low water through Pinole Shoals, such channel serving as approach to the Navy Yard Channel. The department recently finished the construction of a large suction dredge, which will be operated continuously in these channels and on the bay.

PRESENT CONDITION OF NAVIGATION.

111. In the San Joaquin, due largely to the comparative absence of mining débris in the stream and its tributaries, and to tidal influence, conditions are fairly good and with proper work will steadily improve. The existing project contemplates a 9-foot channel to Stockton (45 miles from the river's mouth), which is practically the head of navigation, though the river is really navigable for 15 miles above Stockton. The San Joaquin could be easily cared for in the absence of complications which are caused by its common delta with the Sacramento and the danger from floods in that stream. (See statement of G. A. Atherton of State reclamation board, in hearing of Rivers and Harbors Committee, July 23, 1915, and Report Chief of Engineers, 1914, p. 1342.)

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112. In the Feather River there has been no navigation for many years except at flood stage.

113. In the Sacramento, above Sacramento city, conditions grew steadily worse for a great many years, though now perhaps they may be said to be at a standstill.

114. Red Bluff, 200 miles above Sacramento, many years ago had regular service by light-draft boats at all seasons. In time that service could be given only during high stages of the river. No boat has reached that town from Sacramento at any season of the year since 1911, when the last boat that attempted it took 30 days for the trip, and had to stop 13 miles south of Red Bluff and transfer its cargo by team to the nearest railroad. The condition on this stretch of the river, however, was not caused by hydraulic mining.

115. In the last three years no transportation company has been able to operate higher than Chico Landing, 147 miles from Sacramento; while even to this point and beyond Colusa (90 miles above Sacramento) there is apparently little incentive for navigation, as there is no regular service.

116. Up to Colusa the river is in fair shape for light-draft craft, and the completion of the flood-control project will insure maintenance of those conditions and a gradual improvement toward the better conditions that obtained many years ago. There are two companies operating to Colusa throughout the year, each of which runs two boats, making one round trip a week between Sacramento (or San Francisco) and Colusa and hauling barges when necessary. (See Rivers and Harbors Committee hearing, July 23, 1915, pp. 20, 21, Exhibit H.)

117. Below Sacramento city and to the mouth of the river there has been generally during the last few years a gradual improvement, though the depth of channel at low stage is, of course, very much less than that which obtained up to, say, 1860. This improvement is indicated in the low-water readings of the gauge at Sacramento showing how the débris deposits, at that point at least, are gradually scouring out. This is due to the fact that there has been no big flood since 1909, while the river levees below Sacramento city have held intact since then. In consequence, the current has been forced to scour the bed, while there has been no unusual accretion of débris from above. With a lower stage of water in the late fall there has been a greater depth of channel than for a number of years, a striking indication of the steady improvement that may be anticipated when the completion of the flood-control project will have secured permanent operation of similar forces. There is now at Sacramento once again a marked tide (about 12 inches at low water).

118. The first big flood, however, under existing conditions, will undoubtedly destroy in large part, if not entirely, the improvement made in this portion of the channel during the past few years. (Rpts. Chief Engineers, 1915, p. 1458; 1914, p. 1338.)

119. In the hearing before the Rivers and Harbors Committee July 23, 1915, at page 7, Capt. Anderson, president of the California Transportation Co., said:

> Three years ago during low water, from July to September, my company maintained a steam barge to lighter our boats in and out; but each year during the last three years the channel has been scouring a little better each year, and with the lower gauge we notice a little better channel. I contend that we would not have had this channel if we had had any floods in the past few years.

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Again, at page 15, he said:

At the present time the greatest draft steamer on the river is 6 feet loaded to capacity. During low water that steamer can not load to capacity. These boats are the *Fort Sutter* and the *Capital City*.

120. Up to 1914, for 50 years prior thereto, no ocean-going craft had brought a sea cargo to Sacramento City. Such traffic was stopped by the mining débris deposits in the river. In 1914, however, following the scouring of channel referred to above, the *Grace Dollar*, drawing 13 feet, brought three cargoes of lumber (between 600,000 and 1,000,000 feet in each cargo) from Puget Sound to the Sacramento wharf during flood season. Last year the *Robert Dollar*, drawing 15 feet, made a similar trip with like cargo. The river will have to be very greatly improved, however, before a 13-foot-draft boat can come up to Sacramento at all seasons of the year, as did the steamer *Senator* in the fifties.

PROTESTS AND LITIGATION.

121. Hydraulicking had been prosecuted for a number of years before even the interests most directly affected awoke to a realization of the damage it was causing and the destruction that must ensue if it continued. And when that realization came the industry had grown to such proportions, the amount invested therein was so great, and the influence wielded by those concerned so widespread, that individual effort was powerless to accomplish results looking toward restriction of the evil. A crusade was inaugurated by the antidébris association of the Sacramento Valley, composed originally in large part of residents of Yuba and Sutter Counties. It was later succeeded by the State antidébris association under the same leadership and with the same aims and purposes, but with increased membership and wider scope. Funds for the work of this organization were regularly supplied by private subscription and by boards of supervisors from the county funds of the five counties most immediately affected, Yuba, Sutter, Colusa, Yolo, and Sacramento. For many years George Ohleyer, of Yuba City, was president and manager of the organization, and Robert T. Devlin, of Sacramento, its attorney. It disbanded August 18, 1915.

122. It is estimated that these two organizations spent not less than $250,000 in prosecuting the fight against hydraulic mining, though that amount represents only a small portion of the cost of the crusade. For instance, in a statement prepared for submission to the Board of Engineers for Rivers and Harbors, at Marysville, August 15, 1914, the boards of supervisors of the two counties of Yuba and Sutter declare that the legal expenses of those two counties in connection with suits against hydraulic mining up to and including 1907 aggregated $294,987.63.

123. For many years protests were made to Congress in various forms against the continued and steadily increasing injury inflicted on the river and the valley lands by the operation of the hydraulic mines. While Congress repeatedly investigated and in other ways acquired information on the subject, it did nothing in the way of remedial legislation until 1893.

124. Meanwhile the navigation and valley interests had resorted to the courts for protection. The first suit was brought before the

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superior court of Sutter County, Judge Phil. W. Keyser, in 1878—James H. Keyes *v.* The Little York and other mining companies. The court decided for the plaintiff, invoking the principle, "So use your own as not to injure the property of others." The decision was afterwards set aside by the State supreme court on the technical ground that there was a misjoinder of defendants, a point on which in other cases the court subsequently reversed itself.

125. A number of other suits were brought by the antidébris association. A notable one was that of the Gold Run Mining Co., in which the attorney general permitted the name of the State to be used. This was tried before Judge Jackson Temple, sitting temporarily in the superior court of Sacramento County. Judgment was given for plaintiff, and afterwards affirmed by unanimous opinion of the State supreme court, November 25, 1884 (66 Cal. Repts., 138). This decision was the beginning of the end.

126. The final coup to the legal standing of hydraulic mining as conducted in California was delivered by Judge Lorenzo Sawyer, in the United States Circuit Court, Northern District of California, in his decision, October 5, 1892, in the case of Woodruff *v.* North Bloomfield Gravel Mining Co. (18 Fed. Repts., 753–815). This decision, filled with facts and law, was so broad and so unanswerable that it was never appealed. (See extract, Exhibit A.)

127. Another decision will be found in the case of United States *v.* North Bloomfield Mining Co. (53 Fed. Rept., 625), in which, while the court denied an injunction because the mine was impounding its débris, he clearly defined the law.

128. In all these decisions it is made very clear that hydraulic mining, as generally conducted in California, is a public and a private nuisance; that it does an enormous amount of damage to navigation and to private property; that the United States in permitting mining on these streams or in selling lands for mining purposes could not legally authorize the prosecution of any business which would cause the injuries recited; that Congress has no power, even by statute, to authorize a public nuisance destroying or materially obstructing the navigability and navigation of navigable streams within a State for purposes wholly unconnected with commerce or post roads; that a statute of the State authorizing such a nuisance would be in violation of the fourteenth amendment of the Federal Constitution; and that those who suffer from the results of such mining are entitled to injunction.

INVESTIGATIONS BY CONGRESS.

129. From the time that the Sacramento Valley interests realized the results following hydraulic mining, and continuously thereafter, up to the time that it took definite action thereon, in 1893, Congress was kept fully advised of the situation and petitioned to exert its authority to stop the injury. The antidébris association was the most active factor in this direction, sending delegations at times to Washington, headed by its manager, George Ohleyer, and accompanied once by its attorney, R. T. Devlin. There have not been found, for purposes of this report, transcript or reference to any hearings had in the matter, but the official records of Congress and the War Department bear the unmistakable marks of the associa-

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tion's efforts in the frequent investigations ordered and the reports made. There can be no question that Congress had full knowledge of the damage being done to navigation, as well as to the agricultural lands of the valley.

130. It is evident that the attention of Congress was called to the matter in 1870, if not before, for in that year there appeared in the rivers and harbors bill provision "For survey or examination of the bar of the Sacramento River, Cal., known as the 'Hog's Back,' for the purpose of removing the same." The Hog's Back was one of the first obstacles to navigation created in the lower portion of the Sacramento River by hydraulic mining, and one of the evidences of such injury which first brought it to the attention of the public. The Hog's Back was a series of shoals extending across the channel of the river, about 3½ miles long, located about 35 miles below Sacramento city. Results of the survey called for by Congress in this matter appear in the report of January 28, 1871 (Report Chief of Engineers, 1871, p. 915), of Maj. R. S. Williamson, United States Army, and the detailed report of his assistant, Lieut. W. H. Heuer, United States Army. This report referred to shoals between Sacramento city and Suisun Bay, at Eagle's Nest, Heacock Shoals, and shoals near Sutterville (5 miles below Sacramento city), as well as the Hog's Back, and recommended an appropriation of $7,500 for dredging. The engineers reported that there was on these shoals, at lowest stage, only 7 feet of water. The report says, among other things:

> Some of the river men attribute the formation of these shoals to the placer mining which was carried on in the streams emptying into the Sacramento. Immense quantities of débris would be carried down stream and deposited here and there along the bottom of the river.

These shoals are repeatedly thereafter referred to in the annual reports of the Chief of Engineers. In 1878 the condition of the Hogs Back and Heacock Shoals is reported as being about the same as in 1871.

131. In 1875 (report of Chief of Engineers, 1875, p. 705) Maj. George H. Mendell, United States Army, in charge of rivers and harbors in California, calling attention to the results caused by mining débris in the Feather River, said that the water of the river in 1849 had been clear, and that the river consisted of a succession of pools separated by shallow bars, and added:

> An idea of the extent to which this filling has taken place can be appreciated when I state that the bottom of the river to-day is on a level with the tule lands inclosed by the levees. These same pools in 1849 contained fully 30 feet of water, where now there is a scant 2 feet, and the bars have also been covered with sand, so as no longer to be seen.

It was undoubtedly, in view of the situation thus outlined, that the engineer in charge was instructed to use part of the appropriation for work in the Feather River.

132. Again, in 1876, Maj. Mendell, in his report (Report Chief of Engineers, p. 620) called attention to the increasing damage being done by hydraulic mining in the Feather, declaring that the brush dams then being used only induced scour in sections of the channel to deposit material farther down, and recommended that $20,000 be appropriated for a thorough investigation of the matter and discovery of some remedy. He said "mining operations not only

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continue to exist, but their magnitude grows under the application of new and tremendous appliances."

133. July 5, 1878, Maj. Mendell, in his annual report (at pp. 1294 and following, Report of Secretary of War, 1878, Appendix H H) gives interesting and convincing evidence as to the great injury being done by débris. He suggests therein, that to determine the exact results of these deposits in raising the beds of the river, obstructing the channels, building up any shoals in the Bay of San Francisco, influencing height of floods in the lower rivers and affecting the navigability of the rivers, and "to counteract or remedy these evils when determined, is a problem of great perplexity and one in which the great interests of California are deeply concerned." He calls attention to the fact that the State of California, through its State engineer, is investigating the subject, and suggests that cooperation with the State will be a judicious policy.

134. In 1879, the annual report of Lieut. Col. Mendell, and the report of his assistant, L. J. Le Conte, furnish interesting information as to the knowledge at that time concerning the injury already done and that in prospect from débris deposits. In that report Col. Mendell says (report of Chief of Engineers. 1879, p. 1751):

> When we undertake by engineering constructions to restore as nearly as may be the conditions that existed 30 years ago, reestablishing the low-water slope of that epoch, so as to permit the tide to ebb and flow as far as Sacramento and in this way restore a good channel, the immense quantity of movable material that encumbers the channels becomes a serious embarrassment to any system of improvement.

135. In 1880, undoubtedly inspired by the efforts of the anti-débris association, Congress, in the rivers and harbors bill, inserted this provision:

> The Secretary of War is hereby directed to cause to be made such examination and surveys as may be necessary to devise a system of works to prevent the further injury to the navigable waters of California from the débris from the mines and the estimates on the cost of such works and report the result of such examinations, surveys, and estimates of cost of proposed works made in pursuance hereof to Congress at its next session.

In accordance with the above requirement of Congress, a preliminary report was made thereon January 31, 1881, but as it could not cover the full field of inquiry, final report was made by Lieut. Col. Mendell, the officer of engineers in charge, and transmitted to Congress March 6, 1882. (H. Ex. Doc. 98, 47th Cong., 1st sess.; Report of Chief of Engineers, 1882, pp. 2546 to 2640.)

136. This report, with its accompanying reports from Lieut. A. H. Payson, United States Army, assistant to Col. Mendell, and other engineers who acted with him in the matter, is most exhaustive and furnishes information as to every phase of the hydraulic-mining question. It was very liberally quoted by Judge Sawyer, of the United States Circuit Court, Northern District of California, in his decision referred to in section 126 of this report. In suggesting remedial measures, he says, as to the necessity of restricting hydraulic mining itself: "Under all circumstances restraint is the first essential step of any project, whether of alleviation, conservation, or improvement. (P. 2578.)

137. In 1886 the rivers and harbors bill, in making appropriation for the Sacramento and Feather Rivers, specifically provided that the balance of unexpended moneys was "not to be used until the Secretary of War be satisfied that hydraulic mining hurtful to navi-

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gation has ceased on said rivers and their tributaries. If he be not so satisfied, he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging detritus, débris, or slickens caused by or arising from such hydraulic mining into either of said rivers, or any of its tributaries. or into the San Joaquin River or any of its tributaries."

138. It was in pursuance of the intent of this direction to the Secretary of War that Capt. A. H. Payson, United States Army (see Report Chief of Engineers, 1887, p. 2444), reported first on October 26, 1886, that under instructions he had made certain examinations of the mining field and was convinced that hydraulic mining was being carried on contrary to law, but in a small way, and that he had advised the United States district attorney, by letter, of the facts. Capt. Payson reported as his opinion that legal proceedings could not prevent the evils, but that the appearance of the United States as an applicant for injunction would have a good moral effect and be in accord with the will of Congress as expressed above. These views were approved by the department.

139. Subsequently, under date of February 28, 1887, Capt. Payson reported that there was practically a deadlock between the office of the district attorney and himself, since the former insisted on being supplied with information on which could be based at the same time action against all hydraulic mines operating, while Capt. Payson's instructions did not cover such elaborate investigations and his appropriations did not provide therefor. The records, so far as secured for this report, do not indicate what if anything further was done in this matter.

140. In 1888, October 1, Congress passed an act (chap. 1057) "For the investigation of the mining débris question in the State of California," authorizing the Secretary of War to detail three officers from the Engineering Corps to ascertain—

> whether some plan can be devised whereby the present conflict between the mining and farming sections may be adjusted and the mining industry rehabilitated, and for a complete examination of the injured navigable river channels, their tributaries, and lands adjacent thereto, with a view to the improvement and rectification of said rivers, * * * said commission to report as early as practicable.

141. It was in compliance with the instructions thus given that a commission consisting of Lieut. Col. W. H. H. Benyaurd, Maj. W. H. Heuer, and Maj. Thomas H. Handbury was appointed and made exhaustive investigations (in the course of which frequent meetings were held with both parties to the controversy) and submitted a report of 123 pages (Report of Chief of Engineers, 1891, p. 2996). This report, too, contains very much valuable information on the matter. In its conclusions the report stated that hydraulic mining was then practically suppressed and must cease; that in isolated cases it was possible for mines operating to impound their débris without injury; that dams could retain some of the débris and permit other mines to work for a period of time; that the navigation of the river and the lands in Sacramento Valley had been seriously injured by hydraulic mining; that there were heavy deposits in the streams and also in the canyons. The report recommended as remedial measures that the deposits in the canyons of the Yuba and Bear Rivers be held back by restraining barriers and in the streams on the plains by dams and

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other works and that the flow of material through the navigable channels to tidal waters be accelerated by contracting the width of the river by wing dams.

142. In 1893, following 20 years of protest and investigation and reports of the kind indicated, Congress passed the Caminetti Act.

143. In 1905, included within the rivers and harbors bill, was a provision directing the Secretary of War to appoint a board consisting of three engineers of the United States Army, one having had experience on the Sacramento River and two on the Mississippi, to make a general examination of the Sacramento, San Joaquin, and Feather Rivers and their tributaries and consult with commissioners or engineers appointed by the State of California, to determine a method of controlling the overflow of said rivers and their tributaries, with a view of considering what, if anything, the United States can or should do in conjunction with said State to improve the navigation of said rivers and their tributaries, and the probable cost to the United States of such improvement.

144. It was in accordance with instructions contained in this act that a commission consisting of Col. W. H. Heuer, Col. Thos. H. Handbury, and Capt. William A. Harts made a report September 25, 1905 (H. Doc. 262, 59th Cong., 1st sess.), in which it was suggested that such assistance as Congress might determine to afford in this matter should not be based on the needs of navigation; that any work in the interests of navigation should be done independently of reclamation or flood control, as in that way could economy of funds be best secured. (It will be noticed that subsequent investigations following the floods of 1907 and 1909, induced a precisely opposite recommendation from the engineers commissioned to report thereon, as indicated in the report of the California Débris Commission, 1910, Exhibit D.)

HYDRAULIC MINING STOPPED BY CONGRESS.

145. It might be supposed that with the enormous damage done by hydraulic mining thus clearly established and its illegal character determined by the courts further prosecution of the business would cease. As a matter of fact the court decisions obtained against a few of the mines operating had for years practically no effect on the numberless other mines, and sometimes none on those enjoined. The industry had grown to enormous proportions, one report of the California Débris Commission estimating the amount invested therein at $100,000,000; entire communities had been created by it and depended on it for existence; it enlisted generally the sympathy and support of the mountain sections and because of its great expenditures for material and supplies it had wide influence with the merchant class in Sacramento and San Francisco; and there was a sentimental force working for it in the generally accepted public belief that the gold which it produced was more or less necessary to the prosperity of the country.

146. Under these conditions the industry proved sufficiently powerful with the biennial legislature to block all attempts to curb it by State legislation. It became necessary for the valley interests, represented by the Anti-Débris Association, to maintain a corps of detectives to secure information as to the operation of mines whose débris

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was washed into the streams; to present this evidence to the court and secure injunction; and afterwards to obtain additional evidence showing that the injunction had been violated, when the court would fine the offending mine for contempt of court. It became quite difficult, however, to secure effective results in this way, for the miners adopted protective measures by maintaining a force of lookouts who gave advance notice of the approach of antidébris detectives, when the mine under surveillance would shut down for a few hours. The antidébris agent, if permitted to approach the mine, could see plainly that operations had only just ceased, but he had no evidence that material had been actually washed down; and to obtain a court injunction the mine operator must be caught red-handed. The feeling between mountains and valley became very bitter, and it was at one time unsafe for a man of pronounced antidébris sentiments to venture into certain mountain districts.

147. The valley defense organization persevered, however, and it became more and more difficult for a mine to operate illegally without being heavily fined therefor, while gradually a public sentiment was created against the industry because of the enormous injury done to permanent interests of the State. The more intelligent and fairer of the miners ceased operation; the others found their efforts at relief before the legislature blocked; and finally Congress, by the act of 1893, made such mining illegal, save with permission of the California Débris Commission and under conditions which would safeguard the streams. Soon afterwards the further washing down by monitors of material that might reach such streams ceased. But there was already in the navigable channels and in their tributaries, and piled in the mountain canyons, as before stated, an immense amount of material which, in the absence of remedial measures, must continue to inflict great injury to navigation and other interests.

148. The investigations of the California Débris Commission established conclusively the impossibility of permitting such hydraulic mining as would directly (or even indirectly, after the lapse of years) send down the débris into the navigable channel, unless the navigability of the rivers was to be destroyed, and the lands on the floor of the valley ruined for agricultural use. The obvious condition imposed by the commission upon the hydraulic mines for operating—that is, the impounding of their débris so that it could not reach the streams—was the same condition previously imposed by the courts, State and Federal. But to comply with this condition in most cases meant a prohibitive initial investment, even where it was physically possible. And as the commission rigidly enforced the law, and this kind of mining could be carried on only under its permit, operations gradually ceased as available débris reservoir capacity became exhausted. The few mines which can still operate under this process on tributaries of the Sacramento are very rapidly reaching the time when they must cease.

WORK OF THE CALIFORNIA DÉBRIS COMMISSION.

149. The Federal act, still in force, under which illegal hydraulic mining was finally stopped is known as the Caminetti Act, its sponsor being Congressman A. Caminetti, who represented then one of the mining districts of California. The title of the act is "An act to cre-

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ate the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893. (Exhibit B.)

150. The measure was introduced in response to the demand of the hydraulic miners and to afford them, if possible, some relief. It created the California Débris Commission, composed of three United States Army engineers, and placed upon the commission the broad responsibility of maturing and adopting a plan to restore the navigability of the rivers of the Sacramento and San Joaquin system, if practicable, to care for mining débris and floods, and to provide conditions under which hydraulic mining might be prosecuted without injury to the navigability of the rivers or injury to adjacent lands. Full power was given to the commission to act, under supervision of the Chief of Engineers, United States Army; provision was made for cooperation with the State; and the expense of necessary work under any plans adopted was to be shared equally by the Federal Government and the State of California.

151. Having performed, under the act of 1893, that part of its duty having to do with the regulation of hydraulic mining as indicated above in section 148 of this report, the Débris Commission set about maturing plans to care for the mining débris already in the canyons and river channels, and incidentally to assist in securing flood control. It sought to hold back in the Yuba River Canyon, by barriers and dams of different description, the immense deposits of débris which otherwise must come down into the Yuba Débris Basin and out into the Feather and Sacramento Rivers. Various works attempted from 1902 to 1907 were washed out by succeeding floods, and after the flood of 1907, which entirely destroyed a massive dam, the attempt was finally abandoned.

152. The commission then attempted to retain in the Yuba débris basin itself, below the canyon, so much as possible of the enormous deposit already in the basin, as well as to hold there some at least of the material washed out of the canyon by each flood. It planned to accomplish this by cutting a narrow outlet through Daguerre Point and creating behind it and inclosed in retaining walls of cobbles, a basin large enough to hold about 60,000,000 cubic yards of débris. In addition it sought to hold in the basin below Daguerre Point the greater part of the deposit already there (estimated at from 360,000,000 to 600,000,000 cubic yards) by forcing the floods to pass through a narrow channel formed by two retaining walls of cobble behind which the old débris deposits would be safe from wash by the floods. These retaining walls, 22,000 feet long, 300 feet wide at the base, and 30 feet high, were to be constructed by one of the gold-dredging companies in consideration of the privilege of dredging the basin for gold. The plan is fully described in the report of the State engineering department, 1912, at page 112 and following, and also in the annual reports of the Débris Commission, published by the Chief of Engineers, United States Army. The retaining walls are now almost entirely completed, serving the purpose intended, and the Government has saved through its arrangement with the gold-dredging company about $450,000, the estimated cost of constructing the retaining walls. California's appropriation for this work of impounding débris was the same as that of Congress, $400,000.

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THE MINOR AND MAJOR PROJECTS.

153. In addition to this plan for holding back débris in the Yuba débris basin, the commission, in pursuance of the duties imposed upon it and to care particularly for that portion of the débris already in the navigable channel of the Sacramento River and that which must yet come into it from the Feather and American, turned its attention to dredging on a large scale. Its report of 1907 (Exhibit C) recommended the operation for 56 months of two large hydraulic dredges "for the direct improvement of navigation on the Feather and Sacramento Rivers and toward the controlling of débris and floods." No plans of any description were offered, but there was added the statement that "Whatever work is done on the Sacramento and its tributaries must and will be done upon well-matured plans, in the preparation of which all elements of the problem will be taken into account." It recommended that the State of California, as usual, and as called for by the Caminetti Act, pay half the cost and provide the rights of way necessary.

154. The project thus recommended (known in California as the "minor project") was regularly approved by Congress and became in 1910 an existing project with a preliminary appropriation of $400,000. California in the meanwhile had accepted its provisions and made her preliminary appropriation of $400,000 (act of 1909). Work has progressed under this project with additional appropriations as explained in section 182 of this report.

155. In 1910 the Débris Commission presented in its report of that year the complete plans forecasted in the report of 1907—the "well-matured plans in the preparation of which all elements of the problem will be taken into account." The plans appear in House Document No. 81, Sixty-second Congress, first session (Exhibit D), outlining what is known in California as the major project, and providing for flood control, care of débris, and permanent protection to navigation. These plans were subsequently modified, not as to engineering features, but only as to financing and the division of responsibility and expense, by the report of 1913, House Rivers and Harbors Document No. 5, Sixty-third Congress, first session. (Exhibit E.)

156. The major project thus outlined was approved by the Board of Engineers for Rivers and Harbors and by the Chief of Engineers, United States Army, was reported favorably by the Rivers and Harbors Committee, passed by the House of Representatives in the 1914 rivers and harbors bill, and favorably reported by the Senate Commerce Committee. The bill failed of passage in the Senate, and there was substituted therefor a bill appropriating a lump sum, to be expended in the discretion of the Chief of Engineers, United States Army, in aid of projects technically classed as "existing." The major Sacramento project, not having been passed by Congress (although formulated in compliance with act of Congress of 1893), is not in this category—the minor project is.

157. The major project received prior thereto exhaustive hearings before the Rivers and Harbors Committee, February 7, 1912, December 8, 1913, and July 23, 1915, and before the Senate Commerce Committee, February 8, 1912. The project has been personally inspected on the ground by the Rivers and Harbors Committee and by the Board of Engineers for Rivers and Harbors.

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CONTRACT BETWEEN NATION AND STATE.

158. The major project includes really the minor project, and embodies the final plans for completion of the several duties assigned the California Débris Commission, as clearly set forth in the opening statement of the 1910 report. (Doc. No. 81, Exhibit D.) The minor project fits into and becomes a part of the major project on adoption of the latter. It was intended as the forerunner of the latter, and money expended on it will become more or less useless unless the larger project be adopted and carried out.

159. In its report of 1913 (H. R. and H. Doc. No. 5, Exhibit E), at pages 9 and 10, the Débris Commission says:

> The commission understands that the act creating the commission directed the preparation of a plan for flood and débris control. Congress, in making the appropriation of $800,000 in the act of June 25, 1910, apparently realized that flood control was a necessity; that sooner or later works for flood control would be undertaken; and that any work done for the improvement or maintenance of navigability should be part of a plan intended to accomplish the three objects of flood control, débris control, and improvement of navigability.
>
> We believe that the execution of the plan prepared by the commission, revised as described in this report, is necessary for the accomplishment of these three objects. The difficult question is what proportional part of the cost the United States should pay.
>
> In making its present recommendations the commission has sought to eliminate from the project those features which are more intimately associated with reclamation and to confine the work of the Federal Government to the river channels and weirs, which features have a more direct bearing upon the navigability of the river.

160. Other and subsequent statements of the California Débris Commission make very plain its understanding—which is the understanding of California—that the minor project is only a step in the work ordered by Congress and participated in by California under practical contract. In the report of 1914 (Report of Chief of Engineers, United States Army, 1914), at pages 1472 and 1473, occurs this language:

> The project now in force, however, is based on report printed in the Annual Report of the Chief of Engineers for 1907, pages 2262–2269, inclusive, and provides for dredging, for the improvement of navigation, and the control of débris and floods, and work thereunder is adopted without loss into and made part of the more complete and general proposed project just mentioned.

161. Again, at page 1476 of the same report:

> The work now in progress along the lower portion of the Sacramento River with two suction-dredging plants is along the lines of work proposed in the Annual Report of the Chief of Engineers for 1907, as approved by Congress in the act of June 25, 1910, appropriating $400,000 therefor, while at the same time it would become, without change, a part of the work included in the reports published in House Document No. 81, Sixty-second Congress, first session, and Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, should Congress later adopt these.

162. The reports of 1910 and 1913, offering for approval the major project, are simply the culmination of the contract entered into by Congress and the State of California to secure, at as early date as possible, the restoration of navigability, the control of floods and the care of débris in the Sacramento River. This contract is evidenced clearly by the Caminetti Act of 1893; by California's acceptance thereof; by the prosecution by the Federal Government, through the California Débris Commission, of work to accomplish the intent thereof; by the cheerful payment by California of her one-half of the expense as Congress called upon her therefor; by the gradual develop-

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ment by the Débris Commission of the plans and work necessary to solve the complicated problem through successive stages, namely, (1) the regulation of hydraulic mining; (2) the attempt to hold back in the canyons the débris not yet washed into the streams, and, after enforced abandonment of this plan; (3) the retaining in the Yuba Débris Basin of immense deposits which otherwise would wash into the Feather and Sacramento; (4) the care of débris now in the navigable channel and that which must still come into it by dredging (the minor project upon which work is still in progress); and (5) the presentation of the final comprehensive plan for flood control, the major project now before Congress, without the completion of which work already done and moneys expended by the Congress and by the State will be in large part wasted, while irretrievable damage must result to interests, national, State, and private.

163. It is quite certain that California would not have turned over $1,000,000 to the War Department for the work of the California Débris Commission and appropriated $250,000 more subject to call if she had not understood that the Nation and the State had jointly inaugurated, under the general terms of the Caminetti Act and supervision of the Chief of Engineers of the United States Army, the prosecution of work which was to secure flood control of the Sacramento River, restoration of navigability, and protection for the valley.

164. On February 7, 1912, Col. John Biddle, United States Army, senior officer of the California Débris Commission at the time its report of 1910 was presented, made a lengthy statement before the Rivers and Harbors Committee on the Sacramento project, pages 47 to 65. In the course thereof he made a clear and comprehensive explanation of the duties required of the commission by the Caminetti Act and the way in which such duties had been and were being performed. He frankly stated therein that it was understood the work was not to cease short of flood control, and that in his opinion California would not have been justified in appropriating her initial subscription of $400,000 under any other understanding. Expressions and answers in point will be found on pages 48, 49, 55, 57, 60, 61, 63, and 64. A few only are quoted here:

165. From page 55:

Mr. DAVIDSON. Do you think the interests of commerce and navigation require an expenditure of $11,000,000 on the part of the Government for the improvement of those streams?

Col. BIDDLE. As I have stated before, if you left out the responsibility called for by the Caminetti Act, I do not think so; but that responsibility was given by that act, and money has been already appropriated for that purpose to the extent of about $2,000,000, supplemented by the same amount by the State of California.

Mr. DAVIDSON. The appropriation of $400,000, with a like sum by the State of California, was simply to restore navigation by dredging process, without reference to any expenditure of any $11,000,000 or any other large sum, but it was to restore or maintain a reasonable stage of navigation, say 7 feet, to Sacramento.

Col. BIDDLE. That $400,000 was not intended to complete the work; it was just simply intended to start it. The total cost might grow into millions for dredging out all that débris.

166. From page 57:

Mr. DONOHOE. Would you now recommend the expenditure of $11,000,000 by the Government, except for the fact you believe the Government is obligated to go on with this plan?

Col. BIDDLE. Pardon me to say, I think the Government is not obligated to anything; but if the Government intends to carry out the provisions of the Caminetti Act I think this is the best plan.

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The CHAIRMAN. How far would you suggest the Government was obligated to go?

Col. BIDDLE. To get rid practically of all the débris that was in the river and that could be considered as having been brought down from the hydraulic mines.

167. From pages 60 and 61:

Mr. SMALL. Now, with this $400,000 that California appropriated a few years ago, and which was expended, together with $400,000 appropriated by the Government, would that be a useless expenditure if this project is now abandoned, or has that accomplished good results?

Col. BIDDLE. * * * On the other hand, I do not think the State of California would ever have appropriated this $400,000 if it had not thought it would be followed by more.

Mr. SMALL. It would not have been a wise or provident appropriation or expenditure of money, except having this larger project in view?

Col. BIDDLE. In my mind, not at all, except in view of this larger project or some similar project for taking care of the débris. * * *

DESCRIPTION OF THE MAJOR PROJECT.

168. The reports of the California Débris Commission for 1910 and 1913, approved by the Board of Engineers for Rivers and Harbors and by the Chief of Engineers, state very clearly that the major project for flood control of the Sacramento River follows the only plan economically feasible, which will secure control of floods, restore navigation, care for débris deposits, and allow permanent reclamation, and that the interests named are so interwoven on this stream that they can not be separately treated. (Doc. No. 81, Ex. D, p. 2, and also p. 4, sec. 5; Doc. No. 5, Ex. E, p. 9, sec. 12.)

169. The plan contemplates retaining within the river channel all the waters which it can safely carry, by the maintenance of strong levees on or near the river banks, and caring for the excess flow in flood season by conducting it over easements, or weirs, and through by-passes (strips of land protected on each side by levee) to a junction with the river, 15 miles above its mouth, whence a widened and deepened channel will discharge the entire floods into the upper arm of San Francisco Bay. The sills of the weirs fix automatically a flood plane for each station of the river, beyond which the water can not rise in the channel, while constant improvement of the channel itself will be secured by the scouring of the current and by dredging operations necessary to maintain levees. The plan calls for four weirs, located, respectively, two in Yolo County, one in Sutter, and one in Butte, and 90 miles of by-passes, varying in width from 1,000 to 14,000 feet. The section of channel at the river's mouth is to be straightened and widened to 3,000 feet (about four times the present width in places) and deepened to 35 feet at extreme flood.

170. This plan as applied to the problem of the Sacramento will be better understood by the following explanation, with reference to the map and to the article of this report on floods of the river. (Secs. 53 to 60.)

171. Above Colusa the Sacramento River brings down from Iron Canyon an extreme flood of 276,000 second-feet. At present the excess is carried out over the river banks into the Butte Basin, and will ultimately be provided for by a by-pass system there, unless a storage reservoir in the Iron Canyon shall provide therefor. The river channel will carry down to Tisdale Weir 65,000 second-feet, about half of which will be diverted here into the Tisdale by-pass

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and turned into the main Sutter by-pass, which carries the floods from the Butte Basin. The Sacramento River Channel below the Tisdale has a capacity of only 30,000 or 35,000 second-feet. The Sutter by-pass at Nelsons Bend joins its waters with the floods of the Feather River, which carries in maximum flood 250,000 second-feet. The Sacramento River Channel below the mouth of the Feather has a present capacity of 85,000 second-feet, but will be increased under the project to 107,000 second-feet. The excess from the upper Sacramento River and the Feather will be diverted over the Fremont Weir (8,000 feet long) into the Yolo by-pass. Just above Sacramento city the American River comes into the Sacramento with a maximum flood of 180,000 second-feet, while the channel capacity of the river from this point to Suisun Bay is only 110,000 second-feet. The excess will be carried out over the Sacramento Weir and through the Sacramento by-pass into the Yolo by-pass. The entire excess floods thus find their way into the Yolo by-pass and through it to the enlarged channel at the mouth of the river and into the bay.

172. In this plan, as originally outlined in the maps accompanying the report of 1910, various minor modifications have been and will be necessary, as plainly indicated in that report (Exhibit D) on page 3 and in the report of 1913 (Doc. No. 5, Exhibit E), on page 5, section 4, and the last paragraph of section 5. Such modifications have been necessary or desirable, because the plans of 1910 were, to a certain extent, tentative, because of lack of complete survey and data. There was also, prior to the creation of the State reclamation board, no authority with power to prevent private reclamation constructing works which would interfere with the plans of 1910, and, in consequence, it has been necessary to make modifications thereof because of reclamation work constructed thereafter. The plans as now approved by the State reclamation board, under recommendation or consent of the California Débris Commission and the State engineering department, are practically complete, save as to that portion of the project which cares for floods in the Butte Basin.

173. The plan provides that the California Débris Commission shall have charge of all work in the channel of the river, including the widening of the river's mouth, and in the construction of the four weirs, the estimated expense thereof, $12,600,000, to be divided equally between Congress and the State of California. It is assumed that these features have to do more particularly and exclusively with navigation interests. The construction of all river levees (503 miles) and of all by-pass levees (180 miles) and purchase of rights of way (about 85,000 acres) are to be under the direction of the State and to be paid for by the lands benefited through the fact that completion of the project will make permanent reclamation of these lands possible. The original estimates of 1910 indicated a cost of about $21,000,000 for the elements of the work to be paid for by the landowners. Improved standards of levees since adopted and the necessity of extensive revetment and drainage will perhaps increase the cost to upward of $35,000,000, though it is ordinarily estimated at about $30,000,000.

174. Under this plan the State of California and the landowners, therefore, will pay together about six-sevenths and the United States about one-seventh of the cost of a project which, while of great value to reclamation and flood control, is also indispensable for preservation

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of the navigability of the two great waterways of the State. It should be borne in mind, too, that Congress is called upon to pay only one-half of the expense involved in works in the river channel connected particularly with the interests of navigation, while the property owners, in paying the entire cost of river levees, are paying for works absolutely necessary to navigability, since only thereby can the integrity of the channel be maintained.

THE COOPERATION OF CALIFORNIA.

175. Following the enactment of the law of 1893, in which Congress clearly indicated its intent, with the cooperation of California, to mature a plan and push it to completion, by which the navigability of the river could be restored, the débris cared for, and flood control secured, the State has cheerfully done her share, and even more. In making the first appropriation called for by the California Débris Commission under that act, California formally accepted the terms of the act and in effect pledged herself to carry out her share of the contract. Since that time she has promptly fulfilled all conditions and made appropriations usually in advance of Congress. She has already paid into the United States Treasury, to be expended by the California Débris Commission as agent of the Federal Government in carrying out the terms of the Caminetti Act, $1,000,000. These appropriations were made as follows:

1897	$250,000
1909	150,000
1911	400,000
1913	200,000

Of these appropriations $400,000 was for impounding débris and $600,000 for improvement of navigation. In addition, $250,000 was appropriated in 1915 and is now awaiting requisition from the California Débris Commission. Over $350,000 more has been spent for rights of way, some of it from State appropriations, but most of it subscribed by landowners, and all necessary for carrying on operations of the California Débris Commission under the Caminetti Act. In addition, the State has spent independently, under its State engineering department and river boards, since 1897, all for rectification of navigable river channels and in direct interest of navigation, $1,275,000.

176. This is entirely aside from the work done by private landowners in dredging and construction of river levees, all valuable for and necessary to the preservation of navigation, as elsewhere referred to.

177. With each new appropriation the State formally renewed its approval of the plan and intent of Congress, as indicated in the Caminetti Act, and when that plan was finally perfected by presentation of the completed project in the report of 1910, transmitted to Congress by the Secretary of War June 27, 1911, the California State Legislature had adjourned and would not again meet until January, 1913. A special session, however, was called in December, 1911, for consideration of vital matters, and Gov. Hiram W. Johnson, realizing the overshadowing importance of this matter to the State, made it one of the few subjects in his special call to be considered at that session.

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178. By legislative act the plan as presented by the California Débris Commission in Document No. 81 (Exhibit D) was formally adopted as the State plan for flood control of the Sacramento River; the State's aid, cooperation, and appropriations pledged thereto; and the State reclamation board created, in order that the duties imposed upon the State under the plan might be fully and promptly executed. In addition, State Senator A. Caminetti, who, as Congressman in 1893, had introduced the Federal act creating the California Débris Commission, introduced and had passed by the State legislature December 15, 1911, senate joint resolution No. 13, calling the attention of Congress to the fact that the legislature in extraordinary session assembled had formally adopted the project and recommendations of the California Débris Commission, and had provided for cooperation on the part of the State in putting the project into effect, and asked that Congress, on its part, give favorable consideration thereto.

179. The act of December, 1911, did not become effective under the State referendum law until March 23, 1912, and in the interim a special flood-control committee, consisting of a commissioner appointed by the governor and representatives of the Chambers of Commerce of San Francisco and the Sacramento Valley, presented the matter to the Rivers and Harbors Committee. The legislature, in the subsequent sessions of 1913 and 1915, fully confirmed its previous acts in this matter by making additional appropriations and by increasing the powers of the State reclamation board, so that it might fully perform the obligations accepted by the State in connection with the project.

180. The duties and powers of the State reclamation board, as defined by the legislature of 1911 (special session), 1913, and 1915, will be found fully set forth in the reclamation board act. (Exhibit F attached hereto.) They include very broad and arbitrary police power under which the board is given exclusive control of all private reclamation within the area subject to flood in the Sacramento and San Joaquin Valleys (1,726,553 acres), with power and duty to pass upon all plans for reclamation therein and to withhold approval in event any such plan shall interfere in any way with the project of the California Débris Commission or the interests of flood control. The board has power to remove levees and obstructions from any bypass or overflow channel; to order property owners and reclamation districts to construct levees which may be necessary under the flood control project or to the safety of districts; to construct itself any necessary levees or works, in the event that owners and districts refuse, or fail, to comply with the orders of the board in such matter; and to levy and collect on the lands within the Sacramento and San Joaquin drainage district, comprising the 1,726,553 acres referred to, assessments necessary in the construction of levees and works called for by the flood-control project.

PROGRESS OF THE WORK.

181. There has been notable progress made toward completion of the project, and, for reasons which will be indicated, very much more in that portion for which the State is responsible than in that apportioned to the California Débris Commission. As outlined in the

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project, the work to be under exclusive control of the California Débris Commission and to be paid for, half and half, by Congress and California, includes enlargement of the river channel below the mouth of Cache Slough, estimated cost, $9,075,420; construction of four diverting weirs, $1,617,560; and rectification and enlargement of river channels, $191,375, with 15 per cent added for contingencies and administration and $800,000 subtracted as already appropriated, half by the State and half by Congress, at the time of the report. This leaves a total of $11,717,008 as the estimated remaining cost of those portions of the project, such amount to be assumed, half and half, by the United States and California. The amount to be paid, therefore, by each would be $5,858,504, which has been decreased since then $200,000 by appropriations of that amount made by each. (Doc. No. 5, Exhibit E, p. 9.)

182. The California Débris Commission has been able to make only such progress as permissible under the terms of the minor project and with appropriations made therefor. Such project provides for the use of two suction dredges for a term of 56 months, and the work already done thereunder is indicated at length in the report of the State reclamation board of 1916, attached hereto as Exhibit G. Briefly, the two dredges have worked under this project up to January 1, 1916, for a term of 36 months and have moved about 13,000,000 cubic yards of material and expended about $1,200,000, appropriated half by Congress and half by the State. The channel at the mouth of the river in the course of this work has been straightened and widened and a material improvement in run-off of flood already secured thereby. There is, therefore, work yet to be done in connection with opening the mouth of the river, the estimated cost of which would be in the neighborhood of $8,000,000.

183. The Débris Commission has not been able to do any work in connection with the construction of weirs, such work not being included within the minor project. Preliminary preparations, however, have been made by the securing of the necessary sites for three of the weirs, that of the Tisdale Weir having been in possession of the State for a number of years; that for the Fremont Weir having recently been acquired by the reclamation board; and that for Sacramento Weir having been purchased by the city of Sacramento. In the case of the Moulton Weir no steps have been taken toward securing a site therefor, for several reasons: Because the location of the by-passes in the Butte Basin has not been definitely determined by the Débris Commission; because the landowners in the basin are divided in opinion as to whether they would prefer reclamation, with a by-pass system, or the running of the floods over their lands, through the basin and into the Butte Slough and Sutter by-pass; and because of the possibility that an early completion by the United States Reclamation Service of the Iron Canyon project, with a storage reservoir, would make unnecessary the use of by-passes in the Butte Basin.

184. It is also fairly certain that construction of the Sacramento Weir will be commenced during the present season, and perhaps completed before the winter of 1917–18. The city of Sacramento, in view of the grave menace existing for the city in the absence of completion of this weir and the easement which it offers for the floods of the American River, has voted $594,000 for the purpose; has per-

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fected plans which have already been approved by the Chief of Engineers United States Army; and is preparing, with the cooperation of the State reclamation board, to construct this weir and open the Sacramento by-pass.

185. In that portion of the project under supervision of the State reclamation board and for which the property owners are to pay, material progress has been made and is steadily being made, under the reclamation board act, which invites cooperation on the part of landowners and reclamation districts in constructing units of the project, and provides machinery whereby it can be accomplished. The project was so outlined by the California Débris Commission as to utilize, so far as possible, the existing river levees constructed by landowners and reclamation districts; and also to take advantage for by-pass purposes of existing levees which might be made to serve therefor. (See State reclamation board report, Exhibit G.)

186. It is estimated that the river levees already constructed on the Sacramento, Feather, American, and San Joaquin Rivers, and necessary for the interests of navigation, because they preserve the integrity of the river channel in flood season, have cost $12,000,000. This does not include the cost of levees for Sacramento city, $5,000,000, and for the city of Marysville, $1,000,000.

187. It will cost upward of $6,000,000 more to improve these levees to standards fixed by the reclamation board, while the ultimate cost of by-pass levees, rights of way for by-passes, and drainage plant necessitated by by-pass construction, will make the total, which the property owners will pay as their portion, in excess of $35,000,000, of which about half is yet to be expended.

188. In addition, the dredging done by landowners and reclamation districts in the construction of these levees has removed from the navigable channels an amount of mining débris which would have cost the Government, if it had done the work, $3,950,000, as appears in the report of the Chief of Engineers, United States Army, 1915, at page 1459.

BENEFITS TO STATE AND NATION.

189. What the completion of the Sacramento River flood-control project means to the State and the Nation is indicated by the statement that only through this plan can flood control of the Sacramento River be secured; and that only through flood control thereof can the following results be attained:

190. (*a*) Restoration and maintenance of navigability of the Sacramento River, on which, in earlier days, ocean freighters drawing 13 feet of water used to deliver their cargoes at Sacramento city, 125 miles from the sea, at all seasons of the year.

191. (*b*) Protection of the San Joaquin River, which has a common delta with the Sacramento and which is threatened by floods from the Sacramento up to and including the city of Stockton, at the practical head of navigation, 45 miles from the river's mouth, 106 miles from the sea.

192. (*c*) Maintenance of an inland waterway system, of which the two navigable rivers must be necessarily main arteries. Upon such a waterway system depends in large measure future development of the Sacramento and San Joaquin Valleys and the commerce of the

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State, since, without cheap water freights to tidewater, products of the valleys can not secure profitable access to the markets of the world. In the absence of such markets, the valleys will not produce their possible crops and can not develop in either wealth or population. The history of inland waterways in Europe so clearly establishes the truth of these principles that it is not necessary to enlarge upon them.

193. (*d*) Safety from disastrous floods for nearly 1,300,000 acres of rich, alluvial lands, and for communities in the district, including the cities of Sacramento and Stockton, with aggregate population of 120,000 and assessed valuations exceeding $100,000,000.

194. (*e*) Insurance on the crops of 750,000 acres reclaimed and in process of reclamation, but subject to flood in absence of flood control. These crops are worth annually upward of $30,000,000.

195. (*f*) The creation of permanent wealth in the lands now overflowed and which can not be reclaimed in the absence of flood control, together with assurance of annual crops thereon to the value of many millions of dollars.

196. As concerns the lands now subject to flood and which can secure safety only through flood control of the Sacramento River as promised by this project:

In Water-Supply Paper No. 251, Department of the Interior, United States Geological Survey, Part XI, California, at page 154, the total area of the Sacramento Valley is stated to be about 4,250 square miles, divided approximately as follows:

	Square miles.
High lands not subject to overflow	2,510
Lower lands occasionally overflowed	450
Low lands overflowed periodically and submerged for a considerable part of the year	1,250
Perennial stream surface	38

The document calls attention to the fact that about 40 per cent of the valley suffers from floods.

197. The Sacramento flood-control project is a measure of immediate safety not only to those lands included within the Sacramento Valley as above indicated, but also to those in the contiguous portion of the San Joaquin, the whole totaling 1,291,027 acres. Included in this total are low river lands, reclaimed or in process of reclamation, 595,731 acres; lands entirely unreclaimed and not possible of reclamation in absence of flood control, 160,600 acres; higher lands, partly protected, over which floods would pass in absence of protection, but on which they would not remain, 149,600 acres; similar higher lands entirely unprotected and for whose protection flood control is absolutely necessary, 182,785 acres; in by-pass and overflow channels, lands rich in character but now practically useless for revenue, 202,311 acres. Even the lands embraced within the last category can be, to a great extent, made valuable and productive by the carrying out of the flood-control project, while the acreage embraced in the other categories is dependent, for present or prospective value and productiveness, upon the completion of the project, as is particularly explained in the report of the State reclamation board, 1916 (Exhibit G), under the head "Scope of the Sacramento project."

198. While actual safety of farms, communities, and cities located in a district of 1,291,027 acres is dependent on the flood-control

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project, the balance of the total acreage in the Sacramento and San Joaquin Valleys, about 10,000,000 acres, is dependent on the project for that development which comes from intensive cultivation and the growth of the highest grade of crops on every available acre of soil. Such development can only follow the creation of markets for the products, through low water rates to tidewater all the year around (there is no interference with water transportation because of ice in these valleys); and such rates will depend on the maintenance of navigability on the two great streams which must be the main arteries of any inland waterway system for the State. It would seem to be a wise enterprise on the part of the Nation to encourage in every possible way the development of the conditions in these valleys which will enable them to produce during the entire year a succession of the most valuable products, which only the peculiar combinations of soil and climate to be found here can produce. The Nation has in these valleys an economic asset which ought to be fully utilized.

199. Some faint idea of the possibilities of the Sacramento and San Joaquin Valleys as all-the-year-round producers of those things which would be most needed in time of necessity to supply the Nation's wants, may be gathered from consideration of what those valleys now produce, bearing in mind that, because of flood conditions and because of deficiency in cheap water transportation, there is but a very small portion of the available acreage devoted to intensive cultivation. Much of that used could be devoted to crops of more value to the country but for the present uncertainties as to conditions.

200. In the San Joaquin Valley last year the orchard and dairy products, with grains, honey, and eggs, totaled 75,270 carloads. To this must be added 1,200,000 tons of hay, worth $10,000,000, and vegetables worth $3,200,000, the carload figures for which are not available. The output in farm animals can not be given, but the number of cattle, sheep, hogs, horses, and mules on the farms was 1,541,627.

201. In the Sacramento Valley, whose acreage is less than one-third as large as that of the San Joaquin Valley, but where certain incentives for increased production are greater, the output is still larger, though it is only a fraction of that which could and would be produced in time under favorable conditions. The estimated output of the valley last year in all products, including live stock, was 102,251 carloads. The shipments of deciduous fruits alone amounted to 10,300 carloads, and of green vegetables, 1,360 carloads (a carload is 26,000 pounds). Five-sevenths of all the California deciduous fruits that come to eastern markets are shipped from the Sacramento Valley. The vegetables include potatoes, beans, onions, asparagus, celery, sugar beets, etc. The valley produces 65,000 bales of hops.

202. There is a great increase in tree planting. The almond crop, now 3,800 tons, will jump to 10,000 tons when new orchards are in bearing. The acreage in olives has been enormously increased.

203. In 1911 there were in the valley 150 acres in rice; in 1912, 1,400 acres, with an average yield of 50 bushels, and a production of 70,000 pounds, worth $64,000. In 1915 the acreage had so increased that the crop was 720,000 sacks, worth $1,500,000. This year the crop is estimated at 2,500,000 sacks, valued at $5,000,000, while the indica-

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tions are that in the near future the crop will jump to 15,000,000 sacks.

204. The rice crop strikingly illustrates the great necessity for insuring permanent navigability of the Sacramento River through completion of the flood-control project. The crop is late and must be moved fast to avoid the rains. (In California there are no summer rains.) There are not available cars to move such a crop at once, and the crop last year was saved by transporting it to the river, where it was loaded on barges and carried to market. That can not be done if a flood shall have even temporarily destroyed navigation.

PRESENT COMMERCE OF THE RIVERS.

205. The official reports on the commerce of the Sacramento and San Joaquin Rivers for the last year available give the following figures (Report of Chief of Engineers, 1915, pp. 1466–3347):

206. Sacramento River: Freight, 720,000 tons; valuation, $38,000,000; passengers, 175,485.

207. San Joaquin River: Freight, 772,000 tons; valuation, $35,479,000; passengers, 189,667.

208. These figures do not include the tonnage of the large mosquito fleet of gasoline boats and their barges, which is not available.

At the hearing before the Flood Control Committee April 5, 1916, at page 8, Col. Harry Taylor, United States Army, Assistant Chief of Engineers, United States Army, referred to the mosquito fleet and difficulty of securing statistics thereof, and said: "We know the published statistics are far short of the commerce carried on the river."

209. Through Sacramento city's lower or M Street Drawbridge (Northern Electric Railway) there passed during the year 3,054 steamboats, 1,005 barges, 969 gas boats, 73 sailing vessels, 30 dredges, and 29 pile drivers. Through the upper or H Street Drawbridge (Southern Pacific Railway) there passed in the same time 895 steamboats, 799 barges, 867 gas boats, 31 sailboats, 27 dredges, and 20 pile drivers. (This indicates traffic above Sacramento city; the downriver traffic goes through the M Street draw.)

210. On the Sacramento River most of this freight and practically all of the passenger traffic was between Sacramento and San Francisco and intermediate points. Present conditions in portions of the river above Sacramento city do not permit the use of boats thereon during the greater part of the year and there is in consequence no incentive for investment of capital in steamers giving the frequent and rapid service to induce a large patronage and no opportunity for shippers to secure the most advantageous water transportation rates. On the San Joaquin all of the tonnage and passenger traffic indicated was between San Francisco and Stockton and intermediate points.

211. The high class of freight handled on the two rivers is a noticeable feature, the value averaging $50 per ton, almost the highest, if not the highest, reported on any river in the United States. It includes fruit, alfalfa, hops, beans, asparagus, rice, potatoes, onions, celery, cabbage, dairy products, etc.

212. Ninety per cent of all freight between Sacramento and San Francisco and between Stockton and San Francisco is handled by boat, the average rate being 35 per cent less than by rail, while on

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certain classes of freight it is 66 per cent less. Between Sacramento and San Francisco is a daily merchants' express service by boat (overnight), the rates for which are between 7 and 10 per cent cheaper than for ordinary freight by rail.

213. This is a somewhat striking condition in view of the fact that there are five different rail routes between Sacramento and San Francisco giving service many times during the 24 hours for both freight and passengers. There is the Southern Pacific with two through lines, one by Benicia on the west side of the river and one by Stockton on the east side; the Western Pacific via Stockton; the Oakland, Antioch & Eastern (electric); and the Central Traction (electric) from Sacramento to Stockton and connecting at the latter point with the Santa Fe for San Francisco.

214. From docks on the Sacramento River as far up as Colusa, 90 miles above Sacramento city, grain, alfalfa, rice, vegetables, and other freight, gathered by the river transportation companies' trucks from points 8 and 10 miles distant from the river, are loaded on barges, towed by steamers, and delivered at the warehouses at Sacramento city or at the tidewater docks at Port Costa or San Francisco for 20 per cent less than the railroad rate. The improvement of the river, with the development of the valley and the increased production certain to follow, would produce conditions which would insure shippers even better service and probably lower rates.

215. On the Sacramento there are four companies operating, owning 26 steamboats and a large number of barges. There are about 200 boats of all kinds, including schooners and barges, employed in the traffic. Handsomely equipped passenger steamers ply every day between the two interior cities and San Francisco. The best of these are 260 feet long, 6 feet draft, 1,200 tons gross, and are fitted with all hotel conveniences. (See Annual Report of Chief of Engineers, 1915, pp. 3346–3353; also hearing before Rivers and Harbors Committee, Dec. 8, 1913, statement A. E. Anderson at a previous hearing; also hearing before same committee July 23, 1915, pp. 20 to 23. Exhibit H.)

216. The value to the State and Nation of a permanent restoration of navigability to these rivers is not fairly gauged, however, by their present commerce. Its proper measure of value is the commerce which will ultimately be handled by water if the original river conditions of 1860 are restored and an inland waterway system developed. Some conception of the prospective commerce of the river under such conditions may be formed by considering the wonderful possibilities of soil and climate, the fact that crops grow all the year around, and waterways are navigable at all seasons, the wonderful present yield under unfavorable conditions, and the millions of acres available, much of it not now used, and very little of it intensively cultivated. Note in this connection sections 197 to 203.

CRITICISM OF THE PROJECT.

217. There have been offered three main criticisms of the project, which are here dealt with:

(*a*) *Navigation's interest.*—It is declared that the project is not necessary in the interests of navigation, that declaration having re-

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ceived its inspiration originally from language to that effect found in the report of the Board of Engineers for Rivers and Harbors, in discussing the project as originally submitted by the California Débris Commission. Because of a misunderstanding as to the exact import of this language, and because of other considerations, the matter was referred back to the Board of Engineers for Rivers and Harbors by the Rivers and Harbors Committee, December 2, 1912, with a request for examination and review and their subsequent information and conclusions thereon. This brought forth the California Débris Commission report of February 8, 1913 (Doc. No. 5, Exhibit E), approved by the Board of Engineers June 17, 1913, and by the Chief of Engineers July 17, 1913. From that and other documents the following facts are gathered:

218. The evident idea in the mind of the Board of Engineers when it said (Doc. No. 81, Exhibit D) "the execution of the project is not necessary in the interests of navigation," was that a measure of navigability could be secured by dredging the channel of the river, without carrying out the major project. This expedient of dredging, however, could not, as a matter of fact, "maintain" a navigable channel of any depth desired or necessary, but could only restore it after the winter's floods had partly filled it with mining débris; and as the dredges can not commence to operate to advantage until the flood stage has passed, there would be months in the summer and fall when the river is most valuable for transportation, when navigation would be crippled. To dredge the river without flood control would simply mean the destruction or serious impairment of navigation each year, until the expensive and tedious dredging operations had cleared the channel of the deposits left by the floods. It may be added that in a large portion of the stretch of the river below Sacramento city this plan of dredging is not feasible, because there is no place on which the dredged material could be deposited, the top of the finished levees being used usually for district roads, and in places for railroads, and the land immediately behind the levees being under intensive cultivation.

219. The Débris Commission report of 1913 (Exhibit E), as approved by the Board of Engineers, makes the situation very clear when it declares in section 12 of such report as follows:

> It is thought that the Board of Engineers for Rivers and Harbors, in stating that the execution of the original plan was not necessary in the interests of navigation, meant to imply that a sufficient degree of navigability could be maintained at less cost. This commission knows of no way of maintaining navigability with certainty and permanence, except under a plan which is part of a plan for flood and débris control, nor does it seem possible to estimate with certainty the cost of maintaining navigability apart from flood and débris control.
>
> Should nothing be done to control floods, there is every probability that from time to time navigability will be temporarily destroyed.
>
> To the cost of restoring navigability should then be added the damage done to navigation interests during the periods of nonnavigability.
>
> The commission understands that the act creating the commission directed the preparation of a plan for flood and débris control. Congress in making the appropriation of $800,000 in the act of June 25, 1910, apparently realized that flood control was a necessity; that sooner or later works for flood control would be undertaken; and that any work done for the improvement or maintenance of navigability should be part of a plan intended to accomplish the three objects of flood control, débris control, and improvement of navigability.
>
> We believe that the execution of the plan prepared by the commission, revised as described in this report, is necessary for the accomplishment of these three objects.

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The difficult question is what proportional part of the cost the United States should pay.

In making its present recommendations the commission has sought to eliminate from the project those features which are more intimately associated with reclamation and to confine the work of the Federal Government to the river channels and weirs, which features have a more direct bearing upon the navigability of the river.

It is noticed that the commission declares very positively that it knows no way of maintaining navigability with certainty and permanence except under a plan which is part of a plan for flood control.

220. In its report of 1910, too, the commission uses this language, page 4, section 5:

The interests of navigation, débris control, and flood control in the case of this river are so inseparably connected that it is thought that they should be considered under one general project, thus utilizing to the fullest extent and for the common good any work done under projects for improvement of navigation, control of débris, or the control of the floods.

221. And the Chief of Engineers in approving the project (Doc. No. 81, Ex. D, p. 2), says:

This report presents a project for control of floods, the third duty assigned the commission. Recognizing that the interests of navigation, débris control, and flood control are inseparably connected, the commission has considered these problems as one general project, thus utilizing for the common good to the fullest extent practicable the works for any one of the three projects.

222. (*b*) *Reclamation's interest.*—The project has been criticized as a reclamation scheme. The project is undeniably of value to reclamation, since only through the flood control which it will insure can reclamation be made possible in some cases and permanent in all. But it is also true that navigation can not be fully protected by any other plan and that the interests of navigation, flood control, reclamation, and care of mining débris are so interwoven on the Sacramento River that they can not be separated in remedial measures. (See the Engineers' Reports 1910 and 1913, Exhibits D and E, as quoted above.) And, further, because of reclamation's interest in the project it is being assessed for five-sevenths of the cost thereof, including all that can fairly be construed as being exclusively in the interest of reclamation and also much—notably the construction of river levees—which is undeniably partly in the interests of navigation, and even as to that portion of the project which is admittedly in the interests of navigation and in the navigable channel over which the Federal Government exercises exclusive jurisdiction, Congress is asked to pay only half of the expense. There is not recalled any flood-control project in which the State proposes to deal more generously with the Federal Government than in the case of the Sacramento project. Certainly this project does not deserve in any objectionable sense the charge of being a reclamation scheme.

223. (*c*) *Conservation's interest.*—The entire plan is declared to be opposed to conservation, since it proposes to waste, through by-passes to the sea, flood waters which can be, and should be, stored for, or otherwise adapted to, beneficial use. This statement is based on lack of knowledge of existing facts.

224. *Flood control by storage.*—First, as to the practicability of securing control of the Sacramento River floods by storage:

225. The United States Army engineers, the engineers of the United States Reclamation Service, the California State Department of Engineering, and all competent engineers who have made the

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necessary investigation, agree that it is not only impractical but a physical impossibility to secure flood control of the Sacramento River by storage reservoirs, and that the very limited amount of storage available for its floods can be utilized only as an additional factor of safety, and will not justify any change in the by-pass system, save possibly in the Butte Basin. There will be found in the report of the California State Reclamation Board for 1916 (Exhibit G), under the subhead "Storage and flood control, Sacramento Valley." a statement of the facts and authorities which leaves no room for further question on this point.

226. *Flood-water canals.*—As to the suggestion made to the Flood Control Committee of the House, in the hearing, April 5, 1916, looking to the utilization of the excessive floods of the Sacramento by conveying them in great flood-water canals along the western slope of the Sierra Nevada Mountains to the south end of the San Joaquin Valley, and there utilizing them either through storage or by permitting them to soak into the ground so as to increase the subterranean water supply, reference was made in connection with this suggestion to a report made February 20, 1874, by Lieut. Col. B. S. Alexander, United States Army, Maj. G. H. Mendell, United States Army, and George Davidson, assistant, United States Coast Survey, and transmitted to Congress by President U. S. Grant.

227. The report in question does not deal in any way with the subject of flood control of the Sacramento River, and would have very little value if it did, for as late as 1881 the report of the Chief of Engineers shows that the maximum flood of this river was supposed to be about 100,000 second-feet, or less than one-sixth of the actual volume. The report deals with "the irrigation of the San Joaquin, Tulare, and Sacramento Valleys," and is full of valuable information and suggestion, as might be expected of the able engineers who prepared it.

228. For the purpose of irrigating the two great valleys the report suggests utilizing the waters of the two rivers by carrying them in canals along the east and the west side of the valleys, tapping the Sacramento for the purpose at Red Bluff on both sides, and carrying the west side canal down to tidewater at Cache Slough (near the mouth of the Sacramento River) and the east side canal down into San Joaquin Valley.

The plan is thus described at page 37:

> Each main river has two canals, one on either bank, extending to the right and left just below the base of the foothills until they meet similar canals from the adjacent rivers; the whole of them taken together, forming, as it were, a main exterior canal of large size extending from the Kern River in the south to the vicinity of Red Bluff on the east side of the Sacramento.

229. The Kern River drops into the San Joaquin Valley close to Bakersfield, and it has been apparently assumed by some, from the above language, that the engineers proposed to carry the waters of the Sacramento River by canal from Red Bluff to Bakersfield (about 400 miles in a straight line). It is probable that they had no such idea; for while they spoke of their lack of detailed typographical knowledge of the eastern side of the valley and said in consequence they could "only sketch a hypothical system of canals on that side of the valley," yet they must have known that Red Bluff is over 100 feet closer to sea level than Bakersfield (elevations, Red Bluff

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304, Bakersfield 420). Their intent undoubtedly was to carry water from the Kern and other San Joaquin Valley rivers north, and from the Sacramento and its tributaries south, as far as conditions permitted. They figured on a grade of 6 inches to the mile, which would have brought a canal started at Red Bluff to a junction with the San Joaquin somewhere south of Merced. The engineers figured on small canals—how small may be imagined when they estimated the cost of such canals to the land to be irrigated at $10 per acre.

230. The value of any such canal system in taking care of the floods of the Sacramento and its tributaries may be determined from these facts: A canal on a grade of eight-tenths of a foot to the mile, taking water from the Sacramento at Red Bluff would deliver it in the San Joaquin Valley no farther south than Dos Palos near Merced, 250 miles in a straight line, perhaps 300 on grade. Such a canal would have to be 1,800 feet on the bottom and 20 feet deep to carry approximately 200,000 second-feet—only a little more than one-third of the excess maximum floods of the Sacramento which must be cared for outside of the river channel. Such a canal for the distance named and if the surveys were level, would involve a total excavation of over 2,100,000,000 cubic yards, and if only a small proportion of that excavation were in rock and the rest in material easily excavated, the cost would run upward of $700,000,000, with the probability that the actual cost would double that amount.

231. To carry these waters to Bakersfield, the source of supply would have to be tapped at a higher altitude than Red Bluff, with corresponding increase of difficulty and expense. If the canal were intended to save the valley and the river from injury by assuring control of floods, it would have to care for 550,000 second-feet (the amount the by-passes are designed to accommodate), and thus would necessitate a very much larger canal or a very much steeper grade. With a grade of 2 feet to the mile, there would be required a width of over 2,000 feet and a depth of 20 feet to accommodate the excess floods. Whether the increased capacity be secured by difference in grade or by increasing the size of the canal it is quite certain that the difficulties and expense involved in construction would be so multiplied as to make the project practically impossible and perhaps physically impossible as well.

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EXHIBITS.

EXHIBIT A.

DAMAGES FROM HYDRAULIC MINING.

[Extract from the opinion of Judge Lorenzo Sawyer, United States Circuit Court, District of California Jan. 7, 1884 (18 Fed. Rep., 756.)]

Woodruff *v.* North Bloomfield Gravel Mining Co. and others. George Cadwalader, I. S. Belcher, and J. N. Pomeroy, for complainant. Stewart & Herrin, J. K. Byrne, and W. C. Belcher, for defendants.

Sawyer, J.: This is a bill in equity to restrain the defendants, being several mining companies engaged in hydraulic mining on the western slope of the Sierra Nevada Mountains, from discharging their mining débris into the affluents of the Yuba River and into the river itself, whence it is carried down by the current into Feather and Sacramento Rivers, filling up their channels and injuring their navigation, and sometimes, by overflowing and covering the neighboring lands with débris, injuring and threatening to injure and destroy the lands and property of the complainant and of other property owners situate on and adjacent to the banks of these watercourses. In March, 1882, the Secretary of War transmitted to Congress the official report of Lieut. Col. Mendell, of the Corps of Engineers, "upon examinations and surveys to devise a system of works to prevent the further injury to the navigable waters of California from the débris of mines arising from hydraulic mining," which surveys and report were made in pursuance of the act of Congress relating to rivers and harbors of June 14, 1880. This report, made in January, 1882, was introduced in evidence, and it has been quoted and recognized by both sides in the case as showing the injurious results of hydraulic and other mining up to its date and the remedies attempted and suggested. It is also fully confirmed by the other evidence in the case and by the condition of things as disclosed upon actual inspection and observation made by the judges who traversed and examined the country affected by the operations complained of, in the presence and with the consent of representatives of the respective parties and their counsel. Many of the facts in the general statement will therefore be taken in a condensed form from that report.

Hydraulic mining, as used in this opinion, is the process by which a bank of gold-bearing earth and rock is excavated by a jet of water, discharged through the converging nozzle of a pipe, under great pressure, the earth and débris being carried away by the same water, through sluices, and discharged on lower levels into the natural streams and water courses below. Where the gravel or other material of the bank is cemented, or where the bank is composed of masses of pipe clay, it is shattered by blasting with powder, sometimes from 15 to 20 tons of powder being used at one blast to break up a bank. In the early periods of hydraulic mining, as in 1855, the water was discharged through a rubber or canvas hose, with nozzles of not more than an inch in diameter; but later upon the invention of the "Little Giant" and the "Monitor" machines, the size of the nozzle and the pressure were largely increased, till now the nozzle is from 4 to 9 inches in diameter, discharging from 500 to 1,000 inches of water under a pressure of from three to four or five hundred feet. For example, an 8-inch nozzle, at the North Bloomfield mine, discharges 185,000 cubic feet of water in an hour, with a velocity of 150 feet per second. The excavating power of such a body of water, discharged with such velocity, is enormous; and, unless the gravel is very heavy or firmly cemented, it is much in excess of its transporting power. At some of the mines, as at the North Bloomfield, several of these monitors are worked, much of the time, night and day, the several levels upon which they are at work being brilliantly illuminated by electric lights, the electricity being generated by water power. A night scene of the kind, at the North Bloomfield mine, is in the highest degree weird and startling, and it can not fail to strike strangers with wonder and admiration. The amount of débris discharged into the rivers by these operations can only be duly appreciated by actual observation.

The Yuba River is a tributary of Feather River, entering it at Marysville, 30 miles above the mouth of the Feather, where the latter joins the Sacramento. It is the

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fourth river in size in the Sacramento Valley, and drains about 1,330 square miles of the western slope of the Sierra Nevada Mountains, comprising portions of Sierra, Nevada, and Yuba Counties, its extreme breadth being about 36 miles and its extreme length about 60 miles, excluding the 12 miles of its lower course from the foothills to its junction with Feather River at Marysville. The elevation of the Yuba Basin above tidewater is from 200 feet at its lower parts to about 8,000 feet at the summit of the mountains; but the gold deposits of this basin only extend to an elevation of from four to five thousand feet, in a belt from 40 to 50 miles wide. The upper portion of the river is divided into five principal branches, the North, Middle, and South Yubas; and Deer and Dry Creeks. The first four—Deer Creek being nearly as large as the smallest main branch—unite in the mountains before reaching the valley; Deer Creek, not far from it; the last, Dry Creek, joining the main river in the valley shortly after it leaves the foothills. The débris complained of is mostly discharged into the Middle and South Yubas and Deer Creek and their numerous smaller tributaries.

The auriferous deposit on the San Juan Ridge, between the South and Middle Yubas, embracing most of the defendants' mines—and a larger part of the mines now actually worked being under their control—is much the largest and most important in the State and is favorably situated for working, the beds of the ancient channels in which it lies being elevated several hundred feet above the beds of the Yubas and their affluents, and the annual floods of the Yuba may be relied on to carry off a large portion of the débris resulting from mining. Says the report referred to:

"The linear extent of the gravel channel and its branches on this ridge is about 25 miles. Deducting liberally for the portion already worked, and for that too deeply covered by lava to be available for hydraulic mining, there remain, probably, not less than 14 miles of channel available for washing, from which only a comparatively small portion of the top gravel has been removed. Below San Juan the gravel body has a surface width of over 1,000 feet, and is, say, 140 feet deep. From Badger Hill to Bloomfield, it is for the greater portion very much wider and deeper. At Columbia Hill, its surface width varies from 3,000 or 4,000 to 8,000 feet, and it is from 300 to 600 feet deep. The gravel at Lake City is probably 300 or 400 feet deep. At North Bloomfield it is opened to the bedrock showing a depth of more than 300 feet. Roughly estimating the average width of the remaining gravel range at 400 yards, and, after allowing for the portion worked off, placing its average depth at 70 yards, the sum is an average of, say, 50,000,000 yards per mile, or, for 14 miles, say, 700,000,000 yards."

"Allowing for the amount washed since 1876, 100,000,000 yards, there remain 600,000,000 to be removed;" adding to this the estimated amount still remaining to be worked at Smartsville, lower down the river, and the amount remaining to be washed will appear. Says Col. Mendell: "Seven hundred million of cubic yards may be assumed to represent the amount of gravel remaining to be worked by hydraulic process, tributary to the Yuba." Approximately, then, according to the evidence, over 100,000,000 of cubic yards in these mines have been washed out by the hydraulic process, and the débris deposited in the Yuba and its affluents; and 700,000,000 more remain to be washed out, and its débris deposited in these watercourses in the same manner.

The following shows some of the results of former washings, and unmistakably indicates what must result from a continuance of the work. The Yuba, with its branches and smaller affluents, were necessarily characterized by heavy grades, the waters falling about 8,000 feet in a distance of 90 or 100 miles from their extreme sources to the Feather River. They ran through deep, rocky canyons and gorges, height, and there were many deep holes excavated by the action of the water at the over a rough, rocky bottom, with frequent rapids, and waterfalls of greater or less foot of falls, rapids, and the like. The beds of all these streams, from the very dumps of the higher mines to the junction of the main Yuba with Feather River, a distance of 75 miles or more, have all been filled up many feet deep—at some places to the depth of 150 feet—and all the streams have regularly graded themselves, so that a railroad track might be laid upon their beds for the whole distance, the grade, of course, being steeper in the upper parts, but equally regular.

Thus the main branches of the Yuba and Deer Creek, Shady Creek, Bloody Run, Grizzly Canyon, Humbug Canyon, and the other smaller tributaries, all exhibit this result. There are many square miles, in the aggregate, in the beds of these streams, buried many feet deep with débris, and these channels are choked and clogged with it, the heavier material being deposited higher up and the lighter passing farther down. Most of it will from year to year be carried farther down, and ultimately find its way to the valley. The transporting capacity of the water, however, is unequal to the task of carrying off all the débris at once, as it is discharged into the stream. So, also, the ordinary floods, from year to year, are unable to carry off all the débris discharged into the streams during the year, and it consequently

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accumulates from year to year along the upper portions of the watercourses, within the mountains, till an extraordinary flood comes. When such a flood occurs it transports a much larger amount at once, and precipitates it upon the valleys below. Vast amounts are now accumulated in the upper courses of the Yuba and its branches, which are liable to be precipitated in immense quantities into the valleys below by any extraordinary flood—such as that of 1862—that may hereafter occur. With reference to the amount of these deposits remaining in the Yuba above Marysville, Col. Mendell, in his report says:

"The estimates by Mr. Manson, reported to the State engineer, give the estimated deposits in 1879 on the Yuba, above the foothills, as 46,462,100 cubic yards, the great bulk in 8 or 10 miles; and below, 23,284,000, a total of 71,746,100 cubic yards. In the light of later information, it seems probable that this estimate is altogether too low, the deposits in small tributaries not having been taken into account, and the amount in the lower river having been much underestimated. The actual amount is not capable of being ascertained, and the statements are given merely for the purpose of illustration. At its escape from the mountains, where the foothills recede and give width to the plain, the Yuba spreads out its load of sand and gravel over a plain of 15,000 to 16,000 acres, which has risen until it now stands above the level of the adjoining country on either side. This plain has a slope of about 10 feet to the mile, varying above and below this limit as you ascend or descend, the slope of the river bed being 15 feet at the foothills and 5 feet at Marysville, 10 miles below. The sizes of material have some correspondence to the grades. Ascending the stream, one passes to a continually increasing average size of material. While it is nearly all sand below, above it becomes nearly all gravel, with, however, considerable admixture of different sizes everywhere. This irruption from the mountains has destroyed thousands of acres of alluvial land. The State engineer, in 1880, estimated that 15,220 acres had been seriously injured by these deposits from the Yuba. On the Yuba the great deposits of gravel are found on a grade of 30 feet to 20 feet to the mile. The sands predominate greatly in slopes of 10 feet and below."

The portion of the valley here referred to as covered with sand is that portion of the borders of the Yuba River extending across the Sacramento Valley from the foothills to its junction with Feather River at Marysville, a distance of about 12 miles. Formerly, before hydraulic mining operations commenced, the Yuba River ran through this part of its course in a deep channel, with gravelly bottom from 300 to 400 feet wide, on an average, with steep banks from 15 to 20 feet high at low water on either side. From the top of the banks on each side extended a strip of bottom lands of rich, black, alluvial soil, on an average a mile and a half wide, upon which were situate some of the finest farms, orchards, and vineyards in the State. Beyond this first bottom was a second bottom, which extended some distance to the ridge of higher lands, the whole constituting a basin between the higher lands on either side of from a mile and a half to 3 miles wide. Not only has the channel of the river through these bottoms been filled up to a depth of 25 feet and upward, but this entire strip of bottom land has been buried with sand and débris many feet deep, from ridge to ridge of high land, and utterly ruined for farming and other purposes to which it was before devoted, and it has consequently been abandoned for such uses.

Dr. Teegarden's lands afforded a very striking example of individual injuries inflicted by this mining débris Dr. Teegarden is a prominent citizen of Yuba County, having for some years represented the county in the State Senate. He owned 1,275 acres on the Yuba bottoms some 3 or 4 miles above Marysville, on the north side. All except the 75 acres now lying outside the levee have been buried from 3 to 5 feet deep with sand and utterly destroyed for farming purposes; for which injuries he has received no remuneration. He now lives in a small house near the levee, on the outside, which is liable to be swept away should the levee break opposite to him during an extraordinary flood. Dr. Teegarden testifies that the main filling up was in 1879 and 1880; but that there has been a constant addition to it ever since, and that during the last year it has filled up faster than at any other time; that he built 3 miles of levee to protect it, but it proved insufficient; and that the land is 5 to 6 feet higher with sand and sediment on the river, or inside of the levee, than on the outside, where he lives.

A considerable portion, but not all, of the lower bottoms of the Yuba was covered by the accumulated débris brought down by the great flood of 1862; but it has been extending and deepening ever since. Much, perhaps most of it, was more or less covered as early as 1868 or 1869. Since that time levees have been built by the citizens of Marysville and Yuba County along the ridge on either side, for the purpose of preventing a further spread of the devastation, and for the protection of Marysville and the adjacent country. In addition to the levees so erected, as O'Brien, who did the work, testifies, the miners themselves five years ago built a levee for the same purpose,

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being the levee on the south side of the Yuba, from the foothills to the Hedges grade, with which it connected at Hedges Station, a distance of 8 miles, at a cost of $86,000, of which sum the defendants in this suit paid 80 per cent. This is the levee which, connected with Hedges grade from its connection to the Feather River, protects the country from overflow on the south. It broke in three places in Linda Township, in June last, when the English Dam gave way, and the country for a considerable distance below, extending to the Eliza tract, several miles distant, was flooded with some, though not great, damage, the flood from the reservoir having soon spent itself. Not only has all the space between these levees been filled with this débris to a level with the highlands upon which they are built, but for miles of the lower portion of the river the filling between the levees is several feet above the level of the surrounding country on the outside. The intervening space is grown up with young cottonwoods and willows. The river has now no definite channel within these bounds but runs anywhere over the space between the levees, situate 2 to 3 miles apart, according to the obstructions its waters meet from time to time by growing trees or accumulations of driftwood or deposits made by itself, thereby raising the bed, where it actually for a time runs, to a higher level than the bed of such surrounding channel as it has.

This broad channel or bed, such as it is, is several feet higher than the lands of the surrounding country outside the levee, which outside lands have no protection from overflow of the waters of the Yuba, surcharged with débris, except the slender intervening artificial banks so erected by the people and the miners for that purpose. The lands thus already buried and destroyed are over 15,000 acres or 25 square miles; or, taking the average width, a tract from the foothills to Marysville, 12 miles long along the river by 2 miles wide. The filling in the river bed is generally 25 feet or more and, at its immediate junction with Feather River at Marysville, is about 20 feet deep—some witnesses make it deeper—where it forms a bar of nearly that depth across Feather River. The depth of the filling is increasing year by year, and raising the bed of the river within the levees higher and higher above the surrounding country outside the levees. The depth of the filling increases as the river is ascended, till at Squaw Flat, near Parks Bar, below Smartsville, at the entrance of the foothills, according to the testimony of O'Brien, a witness for defendants, it is 150 feet deep. Opposite Sucker Flat ravine it is 90, and at the narrows above Smartsville, 60 feet deep. The deposits constituting the first 50 feet, at Squaw Flat, have been there 10 or 12 years, and the rest has accumulated since. At a point near this, at Roses Bar, where the channel was once but 100 to 300 feet wide in the bed of the canyon, it has now been raised by filling till it is 3,000 feet wide. But at these points no valuable lands are covered.

The result, as affecting the navigability of the waters of the State, will be stated upon the authority of Mendell's report, which was made upon instrumental surveys and actual measurements, and is amply supported by other evidence. The low-water level of Feather River, at Marysville, the head of navigation, at the date of his report, has been raised fully 15 feet—at this time it is more—indicating a rise of the bed of the river to that height above its former bed. The filling at the mouth of the Feather River is fully 5 feet. Says Mendell:

"Taking 15 feet at Marysville and 5 feet at the mouth, the difference, 10 feet, is to be added to the old fall. This increases the slope of the Feather, in its navigble part, 4 inches to the mile. This increase has impaired the depth of water and the practicability of navigation to a considerable extent. Applying to the navigable portion of the Feather the rule adopted for the minimum deposit in the Sacramento, namely, that the average filling is equal to the elevation of the plane of low water, we will have, for the 30 miles from Marysville to the mouth, an average depth of 10 feet over the bed of the river. This estimate is thought to be here, as in the Sacramento, considerably below the fact."

Some witnesses say it is now 15 feet. Again:

"As a consequence of these changes, a higher flood line and greater exposure to overflow now exists for all riparian lands on both these rivers. This is an element of considerable loss to the country, but its description and discussion do not come within the limits of this investigation. * * * The elevation of the bed of the river is not accompanied by an equal rise in the level of the banks. The level of the beds approaches, more and more, the level of the banks. In the cases of the Yuba and Bear, nonnavigable streams, the level of the beds has risen from a depth a number of feet below the banks to an elevation of several feet above the banks. These instances may be taken to illustrate the ultimate condition of the Sacramento and Feather Rivers, under a continuance of the influences to which they are now subjected. The abandonment of existing channels is a consequence to be apprehended."

It is claimed by plaintiff, and the testimony on the point is conflicting, that there is danger of the Sacramento leaving its channel at Gray's Bend and running some

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distance from Sacramento City to the west. In the Sacramento River a similar rise in its bed has taken place, from similar causes. During the first 20 years of mining, from 1849 to 1869, the low-water plane in the river at Sacramento was raised 2.9 feet. During the next 10 years of hydraulic mining, from 1869 to 1879, the rise in this plane was doubled. It has been raised fully 6 feet from 1849 to 1881. Says Mendell:

"As a consequence of the elevation of the bed, the tidal influence which, in 1849, extended at least as high as the mouth of the Feather, 25 miles above Sacramento, and was quite 2 feet at Sacramento, is now no longer noticeable above Heacock shoals, 9 miles below Sacramento. The tide, within the past 30 years, rose on these shoals as much as 3 feet. * * * Twenty-five miles below Sacramento the river divides into two delta channels, which unite below, the intermediate distance by the two channels being 18 miles by Old River and 12 miles by Steamboat Slough. In the earlier days of navigation, and until six or eight years ago (before 1881), Steamboat Slough was the channel used by all boats and vessels."

It is a part of the public history of the State, with which all the earlier settlers are familiar, that for years the comparatively deep-draft steamers, *Senator* and *New World*, the former built to run from New York to Portland, Me., and the latter to run on the Atlantic Ocean out of New York, both of which either came around Cape Horn or through the Straits, ran regularly through Steamboat Slough. This slough is now filled up, so as not to be navigable for the light-draft river boats in use at the present day, and its navigation abandoned, steamers going by the longer route of Old River. The beds of the river have not only been filled and raised for several feet, but the channels have been largely contracted in width. So, also, from similar causes, the shoal water in Suisun, San Pablo, and San Francisco Bays and in the Straits of Carquinez have largely increased, and the navigable channels of these waters have been considerably and materially contracted. The débris from Bear River and the American, of course, contribute their share to fill the Sacramento below the mouth of the American and Steamboat Slough, as do some of the southern rivers, to swell the amount of deposits in the Straits of Carquinez and Suisun, San Pablo, and San Francisco Bays, but the mines of the Yuba discharge a much larger amount of débris than all the other mines together.

In speaking of remedial means, Col. Mendell says:

"The statement of the case presented in the preceding pages seems to establish the necessity of measures of remedy or alleviation, even in the event that no further contribution be made to mining detritus in the beds of streams. * * * The preservation of river beds and routes of drainage requires that effective restraint be imposed upon mining detritus. Otherwise, these drainage lines may be expected to suffer the fate which overtook their prototypes, the Pliocene rivers, which were obliterated by enormous deposits brought down by their own currents. It may be added that the conservation of existing facilities for navigation equally requires restraint of the flow of sand and gravel; and that no important improvement of the channels can be expected until this result shall be secured. Under all circumstances, restraint is the first and essential step to any projects, whether of alleviation, conservation, or improvement. It has been shown that in the beds of the American, Bear, and Yuba there are now lying many millions of cubic yards of material in positions where it is comparatively harmless, and that each yard, as a rule, adds something to the volume of these deposits; but that, whether anything is added or anything subtracted, which is sometimes the case, depends upon the volume and power of the floods. As a rule the mines supply more material annually than the floods are able to transport over the grades in the lower portions of the rivers. If the floods were of sufficient duration, the accumulations would be found lower down and in more dangerous positions. Instead of lying in the bed of the Yuba, they would be in the Feather and Sacramento."

The waters of the Yuba are so charged with débris that they are wholly unfit for watering stock, or for any of the uses, domestic or otherwise, to which water is usually applied, without first being taken out of the stream and allowed to stand in some undisturbed place and settle. As it comes down to Marysville it is so heavily charged with sand as to render it unfit even for surface irrigation.

In pursuance of the provisions of the drainage act of 1880 (Stat. 1880, p. 130), the State, under the supervision of the State engineer and Col. Mendell, as consulting engineer, erected a brush dam for impounding débris about 2 miles in length across the Yuba River, from ridge to ridge of highlands, some 8 miles above Marysville. At the first ordinary flood in the following rainy season a large section on the northerly end and two other sections toward the south were swept away. According to the report of Hamilton Smith, its engineer, to the North Bloomfield Co., made in July, 1881, after the break by the floods, this dam was at its greatest height, 14 feet, "its cost being in the neighborhood of $120,000," and it broke in three places, as follows: "The east embankment at the northern end has been washed away, nearly down to the origi-

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nal level, from the end of the brushwork to the shore, a distance of 400 feet; the brush dam has been cut away entirely in two places, one 760 feet and the other 230 feet in length, measured on the crest. In two places there are small gaps, but the foundation is undisturbed. Out of a total length of 10,000 feet there has therefore been destroyed about one-seventh." Afterwards, during the dry season, the dam took fire, and a large portion of the remainder was burned. An impounding dam was also constructed by the State, under the same act, on Bear River, with similar results. These dams, with connecting and auxiliary levees built by the State, are understood to have cost over $500,000.

The North Bloomfield Mining Co., defendant, has constructed a dam to impound its débris 50 feet high, near the junction of Humbug Canyon with the South Yuba. The dam, not having been carried higher as it filled up, is now full, and the débris that has passed over the dam has filled the canyon and the South Yuba below the dam to a level with the débris above, so that now the débris passes along down the canyon over the dam without obstruction, as though no dam at all existed at that point. A similar dam erected across Sucker Flat ravine, at Smartsville, to impound the débris of the mines at that place, is in a similar condition.

The complainant has owned in fee for more than 20 years, and he still owns, an undivided half of three parcels of land, held under a patent of the United States, issued upon a grant made by the Mexican Government to John A. Sutter, and known as the New Helvetia grant. One is a city lot situated in Marysville, at the corner of D and Second Streets, near the business center of the town, and about 500 feet from the levee on the Yuba, which lot is covered by a brick block of stores, called the Empire Block, erected about 1854 or 1855, at a cost somewhere between $40,000 and $60,000. Formerly the steamboat landing was in the Yuba, nearly opposite this block, just below the ferry, on the Sacramento Road, but now the Yuba is filled up, and the steamboat landing is in Feather River, opposite Yuba City, which is in Sutter County, three-fourths of a mile distant. Another is a tract of farming land, consisting of 952 acres, situate on the east bank of Feather River, a few miles below Marysville, known as the Eliza tract, upon which there was formerly a public steamboat landing, used for receiving and discharging freight and passengers; but by reason of the filling of the river in front to the depth of 12 to 15 feet, it is now of little use. The third is a tract of land of 720.57 acres, known as the Hock farm tract, on the western bank of Feather River, not far from the Eliza tract, but on the opposite side of the river. Of the Eliza tract 75 acres and of the Hock farm tract 50 acres of the bottom lands, being the best land on these tracts, were buried by débris in 1862 and subsequent years, and they are still covered, from time to time, with fresh deposits. These lands have become covered with cottonwood and willows, and they are now useless for agricultural purposes. Other portions of these tracts are still within the levees erected, and liable to overflow.

About 1868 the people of Marysville found it necessary to build levees around the city and along the north bank of Yuba River to protect it from the rapid encroachment of the débris coming down the Yuba; and levees were built. It has been found necessary to increase these levees in height and thickness from year to year ever since. In 1875 the levee on the north side of the Yuba broke, some 3 or 4 miles above the city, and the city and other lands were not only flooded, but a large amount of débris was deposited. This was the first time Marysville was ever flooded, although the amount of water that fell, or was in the valley at any one time, was much less than in the great flood of 1862. So, in 1881, with much less water than at the great flood, it rose to a higher point at Marysville than ever before. This was doubtless owing in great part to the filling up of the channels and elevation of the beds of the rivers, and probably, in part, also, to the general levee system adopted for the protection of the lands of the valleys. At the break of the levee and flooding of the city of Marysville, in 1875, complainant's Empire Block, in Marysville, was materially injured. The water was over 4 feet deep in it, and débris from the Yuba was deposited in it to a considerable depth. The underpinning of the center of the building was washed out, and the roof fell in. It cost between $2,000 and $3,000 to put it in repair again. Not only this building, but many others, had valuable basements, in use prior to 1875, which were filled at that time, and since then the owners of basements in Marysville have been compelled to abandon their use. The level of the bed of the Yuba and the water flowing in it having been elevated by these mining deposits above the level of the floors of basements of the buildings in Marysville, the water in the basements rises and falls with the river, to a greater or less extent, from percolation, rendering them unfit for use, and compelling their abandonment. So, also, the sewerage of Marysville, and of Emipre Block, has been greatly obstructed and injured by the same means. In 1881 the water is stated by some of the witnesses to have been 4 feet higher than in 1875, and 8 feet higher than the great flood of 1861-62. The trestle work of the D Street Bridge in 1876 was 10 to 12 feet above the ground. Now

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it is filled so that it is within 2 or 3 feet of the water, and one can step from the trestle work to the bed of the stream; and in 1881 the flood went over the bridge, depositing gravel on it. In 1881 the inhabitants were called out in the night to increase and strengthen the north levee, and only by the most strenuous exertions of those able to work in raising the levees several feet in places, by means of gunny sacks filled with sand, did they escape a break and inundation of water and sand.

The taxes of the citizens of Marysville from year to year amount to from 2 to 7 per cent upon the assessed value of their property, a large part of which is expended upon their levees, to widen and strengthen them and to increase their height as the height of the débris within the levees is increased. The levee tax alone in Marysville and in Sutter County, opposite, in some instances has been as high as 6 per cent. During the present year a large amount has been expended by the city on the levee on the north side of the Yuba. For some miles there have been thrown out jetties every few yards, at an angle downstream, by means of timbers and poles resting on supports fastened to the earth, covered with willow brush and packed with sacks filled with sand, the object being to check the flow of the current, turn it from the bank so as to prevent its cutting it away, and by deadening the current compel it to deposit its débris in the still water and thus aid in widening and strengthening the levee itself. For all these purposes, and to protect his property, complainant annually pays large taxes that would otherwise be unnecessary. This levee is the only barrier which prevents the waters of the Yuba within the levee, the bed of which is higher than the lands outside, at flood time from flowing over, loaded with sand to their full carrying capacity and depositing their débris in Marysville, and from at all times flowing over and depositing their load of sand and other débris upon the surrounding country, which is now for some miles around below the level of the bed of what channel there is within the two levees. In 1881 the south levee broke in Linda Township, 7 miles above Marysville, and ran down over the country for several miles, flooding complainant's Eliza tract, which was under water until June, preventing the raising of a crop for that year. Any breaking of the south levee during a flood sends the water down to the Eliza tract and overflows it unless the small private levee built by the occupant, the tenant of complainant, at his own expense, is sufficient to protect it.

In June last (1883) the English Dam, near the summit of the mountains, which forms the reservoir of one of the defendants, gave way and the accumulated waters came down the Yuba in a torrent, sweeping everything before them, a distance of 85 miles in about 10 hours, rising at some places in its canyons, it is said, to a height of 90 feet, and at Marysville, where the channel is broad, 2½ feet. At Linda, 7 miles above Marysville, meeting some obstruction, its current was turned against the south levee, which broke at three points, the water rushing through and down over a broad stretch of the lower plains outside, to and upon the Eliza tract again. The water having run out of the reservoir in an hour, the torrent soon spent itself, and no considerable damage was done to the Eliza tract, although considerable damage resulted to the intervening lands. In this case, however, the small private levee constructed by the tenant of Woodruff for the protection of this and other lands held by him would have protected this tract from this brief flood had there not been a culvert the gate of which the proprietor refused to have shut, giving as a reason that he desired to show his neighbors, who refused to contribute to the expense of building this private levee, that their lands were in danger without it. Had the rivers all been high and this torrent continued for several days, as sometimes happens from natural causes, there is no knowing what the result would have been. These torrents sometimes happen in nature on these mountain watercourses, as, for instance, in 1862, when the Sacramento River rose between 50 and 60 feet at Folsom, and in 1881 the Sacramento River cut its way down to its old bottom. And they sometimes continue for several days. So, in 1881, the Sutter Levee broke below the mouth of the Yuba River, at Shanghai Bend, 1 mile above Woodruff's land, and the river overflowed complainant's Hock farm tract, washing off its soil in many places as deep as it has been plowed and depositing sediment on it. One witness says gravel as large as hens' eggs passed through the break. The Hock farm tract was overflowed in 1862, 1867–68, 1871–72, and 1881—the later overflows being since the building of the levees. The Hock farm of complainant is one of the best in the county, producing large crops of grain, in which it has been cultivated for many years. A mile below is O'Neils Landing, at which large amounts of grain used to be shipped. This, like the Eliza Landing, has been destroyed, or nearly so, by the filling in front from mining débris.

The defendants have attempted to show that much of the danger from overflows results from the acts of the people themselves, in consequence of the improper system of leveeing adopted, and the cutting off by such means of some outlets of water, available at high water. There is, as might be expected, some conflict in the testimony of experts and others on these points; but it is probable that they have not in all instances

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adopted the wisest plan possible in their efforts to protect life and property. These works are always erected on the judgment of engineers, or other men presumed to be competent, and rarely without some difference of opinion, and it is scarcely possible that any plan wholly unobjectionable to all could be adopted. However this may be, there can be no possible doubt, not only that the deposit of mining débris has greatly augmented the injuries heretofore received, but that it largely enhances the danger for the future, and that it is the great source and cause of all or most of the evils which are suffered and threatened. The evils resulting from the occasional overflow of pure water, or water deteriorated only by natural erosions and causes, and which leaves no deleterious sediment behind to permanently destroy the land, are trifling, compared with those resulting from the addition and deposit of the enormous amount of débris arising from hydraulic mining. At every break of the levees on the Yuba a heavy volume of water, charged to its full transporting capacity with sand and other deleterious material, is poured out and deposited on the lands over which it flows, where it remains, on the subsidence of the floods, to work out its destructive effects. If there were not a levee on the river, and not a slough cut-off, the mining débris deposited in the navigable and nonnavigable waters of the State, and burying the 25 square miles of land between the levees of the Yuba, would not only still be there, but many other square miles of the adjacent country would also be buried, but for the resistance interposed by the slender barriers erected by the people, including the complainant, at great, continuing, and ever-recurring expense, for their protection.

If the great and unexampled flood of 1862, by bringing down in one mass the accumulations of débris of previous years, did so much, as is claimed by defendants, to fill the channel of the Yuba and cover the lower portions of its bottom lands, what must be expected should there be a recurrence of such a flood, bringing down the vastly larger accumulations with which the watercourses of the mountains are now choked and gorged and precipitating it in a mass upon the deposits now between the levees which are already several feet higher than the surrounding country, and which levees constitute the only barrier upon which Marysville and the adjacent country can rely for protection? A concurrence of conditions which produced such an extraordinary flood as that of 1862, which has once happened, is liable to occur again. That concurrence of conditions was high water in the Sacramento and all its affluents on the 1st of January, 1862; immense deposits of snow already existing in the mountains along the whole watershed of the Sacramento and its tributaries; and a general rain warm enough to melt the snow on which it fell throughout the same region, continuing through many days, with only short intervals, whereby the rain that fell at the time, augmented by the water furnished by the rapidly melting snows, was precipitated into the valleys below, already full. Should there be a recurrence of such conditions in the present condition of the watercourses of the State, gorged with débris, no man can safely predict the result. To the most casual observer, even though but slightly acquainted with the operations of the forces of nature, the present condition of things and the dangers to the residents of the valleys that may reasonably be anticipated in the future must be anything but assuring.

Unless the acts of the defendants complained of, in view of all their necessary consequences, are legal—unless they are authorized by some valid law—it does not appear to us to admit of doubt or discussion that the results of those acts heretofore developed, still existing and operating, and certain to continue and increase in the future, as disclosed by the evidence and indicated by the preliminary statement of facts, constitute a grievous and far-reaching public nuisance, most destructive in its character, or, in the terse language of one of complainant's counsel, a nuisance, "destructive, continuous, increasing, and threatening to continue, increase, and be still more destructive. * * * After an examination of the great questions involved as careful and thorough as we are capable of giving them, with a painfully anxious appreciation of the responsibilities resting on us * * * we can come to no other conclusion than that complainant is entitled to a permanent injunction. * * * Let a decree be entered accordingly." Judge Deady wrote a concurring opinion.

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EXHIBIT B.

[Extracts from ch. 183, Revised Statutes of the United States, approved Mar. 1, 1893 (known as the Caminetti Act).]

AN ACT To create the California Débris Commission and regulate hydraulic mining in the State of California.

SECTION 1. *Be it enacted, etc.*, That a commission is hereby created, to be known as the California Débris Commission, consisting of three members.

The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from officers of the Corps of Engineers, United States Army. Vacancies occurring therein shall be filled in like manner.

It shall have the authority, and exercise the powers hereinafter set forth, under the supervision of the Chief of Engineers and direction of the Secretary of War.

SEC. 2. That said commission shall organize within thirty days after its appointment by the selection of such officers as may be required in the performance of its duties, the same to be selected from the members thereof.

The members of said commission shall receive no greater compensation than is now allowed by law to each, respectively, as an officer of said Corps of Engineers.

It shall also adopt rules and regulations, not inconsistent with law, to govern its deliberations and prescribe the method of procedure under the provisions of this act.

SEC. 3. That the jurisdiction of said commission, in so far as the same affects mining carried on by the hydraulic process, shall extend to all such mining in the territory drained by the Sacramento and San Joaquin River systems in the State of California.

Hydraulic mining, as defined in section eight hereof, directly or indirectly injuring the navigability of said river systems carried on in said territory other than as permitted under the provisions of this act is hereby prohibited and declared unlawful.

SEC. 4. That it shall be the duty of said commission to mature and adopt such plan or plans for examination, and surveys already made and from such additional examinations and surveys as it may deem necessary as will improve the navigability of all the rivers comprising said systems, deepen their channels, and protect their banks.

Such plan or plans shall be matured with a view of making the same effective against the encroachment of and damage from débris resulting from mining operations, natural erosion, or other causes, with a view of restoring, as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the condition existing in eighteen hundred and sixty, and permitting mining by the hydraulic process, as the term is understood in said State, to be carried on, provided the same can be accomplished without injury to the navigability of said rivers or the lands adjacent thereto.

SEC. 5. That it shall further examine, survey, and determine the utility and practicability, for the purposes hereinafter indicated, of storage sites in the tributaries of said rivers and in the respective branches of said tributaries, or in the plains, basins, sloughs, and tule and swamp lands adjacent to or along the course of said rivers, for the storage of débris or water or as settling reservoirs, with the object of using the same by either or all of these methods to aid in the improvement and protection of said navigable rivers by preventing deposits therein of débris resulting from mining operations, natural erosion, or other causes, or for affording relief thereto in flood time and providing sufficient water to maintain scouring force therein in the summer season; and in connection therewith to investigate such hydraulic and other mines as are now or may have been worked by methods intended to restrain the débris and material moved in operating such mines by impounding dams, settling reservoirs, or otherwise, and in general to make such study of and researches in the hydraulic mining industry as science, experience, and engineering skill may suggest as practicable and useful in devising a method or methods whereby such mining may be carried on as aforesaid.

SEC. 6. That the said commission shall from time to time note the conditions of the navigable channels of said river systems, by cross-section surveys or otherwise, in order to ascertain the effect therein of such hydraulic mining operations as may be permitted by its orders and such as is caused by erosion, natural or otherwise.

SEC. 7. That said commission shall submit to the Chief of Engineers, for the information of the Secretary of War, on or before the fifteenth day of November of each year, a report of its labors and transactions, with plans for the construction, completion, and preservation of the public works outlined in this act, together with estimates of the cost thereof, stating what amounts can be profitably expended thereon each year.

The Secretary of War shall thereupon submit same to Congress on or before the meeting thereof.

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SEC. 17. That at no time shall any more débris be permitted to be washed away from any hydraulic mine or mines situated on the tributaries of said rivers and the respective branches of each, worked under the provisions of this act, than can be impounded within the restraining works erected.

SEC. 24. That for the purpose of securing harmony of action and economy in expenditures in the work to be done by the United States and the State of California, respectively, the former in its plans for the improvement and protection of the navigable streams and to prevent the depositing of mining débris or other materials within the same, and the latter in its plans authorized by law for the reclamation, drainage, and protection of its lands, or relating to the working of hydraulic mines, the said commission is empowered to consult thereon with a commission of engineers of said State, if authorized by said State for said purpose, the result of such conference to be reported to the Chief of Engineers of the United States Army, and if by him approved shall be followed by said commission.

SEC. 25. That said commission, in order that such material as is now or may hereafter be lodged in the tributaries of the Sacramento and San Joaquin River systems resulting from mining operations, natural erosion or other causes, shall be prevented from injuring the said navigable rivers or such of the tributaries of either as may be navigable and the land adjacent thereto, is hereby directed and empowered, when appropriations are made therefor by law, or sufficient money is deposited for that purpose in said débris fund, to build at such points above the head of navigation in said rivers and on the main tributaries thereof, or branches of such tributaries, or at any place adjacent to the same, which in the judgment of said commission, will effect said object (the same to be of such material as will insure safety and permanency), such restraining or impounding dams and settling reservoirs, with such canals, locks, or other works adapted and required to complete same.

The recommendations contained in (1) Executive Document Numbered Two hundred and sixty-seven, Fifty-first Congress, second session, and Executive Document Numbered Ninety-eight, Forty-seventh Congress, first session, as far as they refer to impounding dams, or other restraining works, are hereby adopted, and the same are directed to be made the basis of operations.

The sum of $15,000 is hereby appropriated, from moneys in the treasury not otherwise appropriated, to be immediately available to defray the expenses of said commission.

NOTE.—(1) These are House Executive Document 98, Forty-seventh Congress, first session, and House Executive Document 267, Fifty-first Congress, second session.

The former contains the report of Lieut. Col. G. H. Mendell, Corps of Engineers, United States Army, of January 26, 1882, prepared in accordance with a provision contained in the river and harbor appropriation act of 1880, June 14, chapter 211 (21 Stat. L., 196).

The latter contains the report of February 9, 1891, submitted by a board of engineer officers, constituted under the act of 1888, October 1, chapter 1057 (25 Stat. L., 498), "for the investigation of the mining débris question in the State of California."

EXHIBIT C.

[Annual Report of the Chief of Engineers, United States Army, 1907, pt. 3, pp. 2262-2269, inclusive.]

REPORT OF CALIFORNIA DÉBRIS COMMISSION WITH REGARD TO FUTURE OPERATIONS FOR CONTROL OF MINING DÉBRIS, IMPROVING NAVIGABILITY, AND PROVIDING FOR CONTROL OF FLOODS ON THE SACRAMENTO AND FEATHER RIVERS, CAL.

SAN FRANCISCO, CAL., *June 30, 1907.*

GENERAL: Under date of February 11, 1907, the California Débris Commission, consisting then of Col. W. H. Heuer, Maj. C. H. McKinstry, and Maj. Wm. W. Harts, submitted a report recapitulating the work done and results obtained to that time and proposing future work. The following report is based upon that of February 11, 1907. The changes made by the present commission are not changes in principle, but only in details, and have been rendered advisable by events which have occurred since the date of the former report.

The principal duties of the commission, as prescribed by the Caminetti act, are:

First. To regulate hydraulic mining so as to permit the fullest resumption of this industry compatible with the protection and restoration of the navigability of the Sacramento, Feather, and San Joaquin Rivers and the prevention of damage from overflow, etc.

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Second. To improve the navigability of all the rivers of this system, deepen their channels, and protect their banks, with a view of restoring, as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the condition existing in 1860, and, further, to afford relief in flood time and to provide sufficient water to maintain scouring force in the summer season.

The first of these objects may be said to have been accomplished.

The plan adopted was, in brief, to require each miner to impound the tailings resulting from his operations on land owned or controlled by him behind dams to be approved by the commission. The two types of dam found most useful were log crib dams filled with quarried rock and brush dams. For these types standard specifications are now authorized. Earth or gravel dams, with spillways excavated in the bedrock of the banks, were used where sites permitted.

Under this plan hydraulic mining is carried on at the present time under the supervision of the commission. While it is doubtless a fact that some illegal hydraulic mining is done and that occasionally restraining dams behind which tailings are stored fail under suspicious circumstances, it is nevertheless true that the work of the commission is preventing any considerable addition of débris to that already in the river beds. The downward movement of the débris which had already been dislodged at the time the commission was created has of course continued, except as checked by the commission's restraining works in the Yuba, to be presently described.

Before proceeding to the description of the investigations and work done under the second head, it is well to point out that while the ultimate object is the restoration of former conditions of navigability, direct operations looking to improvement of depths could not be undertaken until an effort had been made to check the influx of débris into navigable streams. The first of the débris-carrying tributaries to be investigated was the Yuba, because this stream contains more débris, the further movement of which would be injurious to navigation, than do all the other tributaries of the Sacramento combined. The commission's plan for the Yuba is well underway and bids fair to be successful. It is more particularly described below. The investigations made of the Bear and American indicate that while some dredging in the lower reaches may perhaps be desirable, restraining works will be too costly for the good accomplished. The facts on which this conclusion is based are given below:

Yuba River project.—The project for the Yuba River contemplates (1) holding the great quantities of mining débris now in that stream and its tributaries by works built in the river bed at and above Daguerre Point, and (2) restricting the low-water channel below Daguerre Point within narrower, well-defined limits, in order to preserve in place as much as possible of the extensive deposits in the last few miles of the river.

These objects were to be accomplished (1) by the construction of four restraining barriers and a settling basin in the bed of the river, the structures to be provided with necessary weirs and conduits to regulate the inflow and outflow of water and to cause a deposition of the finer material carried in suspension, and (2) by the construction of two training walls. (See H. Doc. No. 431, 56th Cong., 1st sess.)

Work done under this project.—The condition of the work under this project is as follows:

(*a*) *Barrier No. 1.*—This barrier had been completed to a height of 14 feet and a contract had been entered into for adding a step 8 feet high and increasing the width of the spillway, and work under same had been begun when about 600 feet of the barrier was destroyed by the flood of March, 1907.

A full report of the destruction of this structure was made to the Chief of Engineers on April 1, 1907.

It is not considered advisable to rebuild, and no further work on same is contemplated.

(*b*) *Barrier No. 4.*—About 95 per cent of this barrier, known as the Daguerre Point barrier, has been completed, and the remainder will be completed as soon as the training walls below are constructed.

This barrier is a dredger embankment thrown up by the dredgers of the Yuba Consolidated Gold Fields, under an agreement with that company, and without cost to the United States.

In connection with this barrier and to serve as a spillway a cut has been made across Daguerre Point of sufficient capacity to take the flood discharge of the stream. It was completed in January, 1906.

(*c*) *Settling basin.*—The entrance gates were completed in January, 1907. An agreement has been made with the Marysville Gold Dredging Co. to construct, without cost to the United States, about 4,400 feet of embankment on the south side of the basin, and work is underway. An agreement has been made with Mr. James O'Brien to raise, without cost to the United States, the present levee along the river side.

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(*d*) *Training works.*—Agreements have been made with the above gold-dredging companies to construct, without cost to the United States, the south training wall, and about 4,000 feet, or one-third of it, has been completed.

A contract is in force for the construction of the north training wall, and about 90 per cent of the work has been done.

The embankments referred to above as being constructed by the gold-dredging companies, without cost to the United States, are a portion of the embankments which they construct to "impound" themselves—that is, to prevent their tailings from working into the stream below and to permit operations at high stages of the river.

Work remaining to be done—(*a*) *Barriers.*—No further work is contemplated on barrier No. 1. No work is contemplated on barrier No. 2. Barrier No. 4 will be completed without cost to the United States, and with an average height of 30 feet will furnish storage for about eight years. After the first storage season, however, the Daguerre Point Cut spillway and the entrance gates to the settling basin will have to be raised from time to time. About $100,000 are available for this work, which sum should be sufficient for about five years.

(*b*) *Settling basin.*—The outlet gates of this basin and a portion of the levee on the south side, about 6,000 feet, remain to be constructed before the basin will be available for use.

To obtain the full capacity of this basin it will be necessary later to raise the west side levee to a height beyond that called for in the agreement with Mr. O'Brien.

It is estimated that this work can be done at a cost not exceeding $130,000.

(*c*) *Training works.*—The south training wall will be completed to the length of about 2 miles without cost to the United States, and the north training wall to the same length at a cost of about $50,000.

It is thought that the funds available are sufficient for the completion of the works contemplated at present under the project and to maintain same for several years after they are put in use. On the other hand, it is not possible to state at the present moment whether it may not prove necessary to extend the training walls beyond the length now contemplated.

The following methods of protecting the navigable streams from the influx of mining débris have been investigated:

(*a*) The construction of storage reservoirs in the high canyons of the rivers into which mines might drain their tailings, thus storing the detritus in regions where land was cheap and material for dam construction easily obtainable.

(*b*) The diversion of the rivers into the "tule" lands along the Sacramento and Feather Rivers, thus raising these lands and reclaiming them for agricultural purposes.

(*c*) The construction of settling basins in the lower reaches of the streams.

(*d*) The dredging of the beds of the navigable and the nonnavigable streams, placing the excavated material on the banks to assist in flood control and land protection.

The last-named method is the one which it is the main object of this report to explain and recommend.

High sites for storage dams.—Thorough investigation indicates that this method, though successful in other places, can not be satisfactorily applied in the high Sierras. Few capacious reservoir sites are available at which dams are practicable at reasonable expense or in locations where the reservoirs would serve many or large mines.

In some of the small tributaries several places were found where high dams might be erected, but the great cost of these dams compared with the amount of benefit to be derived therefrom and the prohibitive burden on the mines if taxed therefor as prescribed in the law, combined with the small capacity of the reservoirs, rendered their construction inadvisable. The method of using high dams, therefore, in any of these streams, or in their higher tributaries, was abandoned by the commission as impracticable.

Diversion into the "tules."—The only overflowed land that could be used for this purpose without carrying the entire flow of the Yuba or other of the débris-carrying streams entirely over or under the Feather or Sacramento Rivers, or both, is the area known as the "American Basin," lying east of the Sacramento between the Bear and American. It was manifestly impracticable to carry, at reasonable cost, even a small river like the Bear over or under the Sacramento.

In order to carry débris, surface slopes must be comparatively high. In the Yuba the finest material is deposited where the slopes are about 5 feet to the mile, fine gravel where the slope is about 10 feet to the mile, and coarse gravel and small bowlders on slopes from 14 to 15 feet to the mile. These figures result from examining the river bed at various places and of course are approximately only. In order, therefore, to carry fine material alone the minimum slope of any diversion canal, to carry débris,

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should be at least 5 feet to the mile. The average miner's sluice has a fall of about 7 inches to the 12-foot box. This is equivalent to over 250 feet per mile.

Diversion of the Yuba.—The lowest point in the Yuba River at which the flow could be diverted is in the vicinity of Daguerre Point. This is at an elevation of about 120 feet above the sea, to which possibly might be added a few feet by embankments in the river bed. The elevation of the American Basin is approximately 20 feet, and in order to make a deposit, say, 6 feet deep, the outlet of the canal should be at an elevation of, say, 30 feet. This would leave a fall of 90 feet or less, distributed over a distance of not less than 30 miles, giving an average slope of 3 feet per mile. A uniform slope would be impracticable, and the minimum would be far less than the average. It is thus plain that there is not sufficient fall to carry effectively even the very fine materials.

Furthermore, the right of way for such a plan would require probably 16,000 acres of land and would lie in valuable agricultural regions. The cost of the right of way might amount to $1,600,000. These two objections, lack of grade, and high expense for right of way render the adoption of this method of disposing of mining débris inadvisable at the present time for the Yuba.

Diversion of the Bear.—A study of the Bear River leads to the same conclusions.

Diversion of the American.—Applied to the American River the conditions are somewhat more favorable, but even here this plan was abandoned for similar reasons. This matter was examined at the time of the survey of 1906. The owners of the overflowed land demand about $50 an acre for it, even though the land would ultimately be benefited and would then be returned to them. A company has already been formed to reclaim this land and is not preparing plans for the work. After reclamation the land will be worth upward of $100 an acre; reclamation is said to cost approximately $10 an acre. The land has therefore a high prospective value. The cost of a right of way for a diversion project consequently is prohibitive.

Settling basins and low barriers.—The application of this method of treatment to the Yuba has already been described.

The total available storage capacity in the Yuba River bed is about 60,000,000 cubic yards, 20,000,000 cubic yards in the settling basin and 40,000,000 cubic yards in the river bed above Daguerre Point barriers.

By comparison of the surveys of 1899 and 1904 it is ascertained that the increment of débris in these five years amounted to about 15,800,000 cubic yards, or an average annual addition of slightly over 3,000,000 cubic yards. The additions to the river bed between the surveys of 1899 and 1906 amount to a total of 18,000,000 cubic yards, of which 15,100,000 cubic yards were below the barrier and 3,000,000 cubic yards above. These results show a scour below the barrier and a substantial addition above, thus demonstrating the effect then being produced by the barrier. They also indicate that the annual flow of débris for the years 1905–6 was somewhat less than the average.

At an average rate of 3,000,000 cubic yards per year there is then storage in the Yuba bed for over 20 years. As the rate of débris flow will diminish with time unless the restrictions on hydraulic mining are relaxed, the actual period should be greater.

It is hoped that the settling basin may be completed during 1909 and that the training walls below Daguerre Point may be completed about the same time.

After the present storage is exhausted, it will be practicable and may be found advisable to use the space between the training walls and the river banks between Daguerre Point and the mouth.

Settling basins and barriers for the Bear.—The control of such mining débris as is brought down by this river, by means of settling basins and impounding dams similar to those of the Yuba River, was carefully studied and sites selected where such works could be economically placed. It is estimated that a high dam could be built in the vicinity of Van Giesens for about $70,000, and a settling basin in the lower river for about $230,000, which combined would store 20,000,000 cubic yards of débris, at a cost of 1½ cents per cubic yard.

The most desirable site for the settling basin is in the vicinity of Camp Far West, but this land is in the hands of a gold dredging company which refuses to part with it for any reasonable price. Another practicable site was found in the vicinity of the county bridge.

As planned both of these settling basins were to be constructed of gravel embankments sufficiently high never to be overtopped, and were to have concrete spillways designed to take the maximum flow of the river.

The reports of these investigations were lost in the fire of April 18, 1906. The maps [1] herewith have been traced from blue prints of the original maps.

[1] Not printed.

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In view of the recommendations herein, the commission has not thought it necessary to go to the expense of reproducing the calculations and plans.

Settling basins and barriers for the American.—The only site available for storage is the "American Basin," in which, as explained in paragraph 15, the cost of land would be prohibitively expensive. To control the débris of the American by means of settling basins or by diversion would far exceed the cost per cubic yard of storage on the other rivers. A rough estimate shows that any adequate system would cost more than $500,000.

After careful consideration we are of opinion that while this method of treatment is being successfully applied to the Yuba, its great cost on the Bear and American would render its application to these streams inadvisable.

Dredging.—The remaining method of treatment is dredging. Suction dredges would be used and the excavated material would be thrown up into levees along the banks. Applied to the lower courses of the nonnavigable tributaries this method would have the advantage of combining protection from flood overflow and better drainage with disposal and control of débris. Its additional advantages when applied to navigable streams will be pointed out later.

As to the relative cost of disposing of material by dredging and by settling basins and low barriers, storage by the latter method may be obtained at a cost of about 2 cents per cubic yard, while it is estimated that dredging will cost about 6 cents. A large suction dredge with a capacity of about 150,000 cubic yards per month can be built for about $120,000. The expenses of operation would amount to about $5,000 per month, including maintenance and repairs. For seven months in the year operations can be carried on without serious interruptions from high water.

It appears, therefore, that for those portions of the Bear and American where either dredging or barriers and settling basins could be used, the method of dredging is the more expensive. Nevertheless the commission believes that dredging, with incidental levee construction, is preferable to the other method on account of the concomitant protection from flood overflow afforded.

The commission believes that it will be best at this time not to undertake any operations in the lower courses of the Bear and American, but to begin dredging in the navigable portions of the Feather and Sacramento Rivers.

That dredging would be the main reliance when it came to the direct improvement of the navigable streams has always been evident. But from the beginning it was believed, and rightly, that it would be hopeless to attempt the improvement of the Feather below Marysville until some successful plan of controlling and fixing the old débris in the Yuba had been devised and applied. That similar treatment would be required for the Bear and American was not equally apparent, and, as pointed out above, investigation and study have shown that barriers and settling basins for the lower reaches of these streams are not advisable, though dredging or the construction or thoroughly protected training walls may be. These conclusions and the progress of the work of control in the lower Yuba have now made advisable the application of the method of dredging both to the control of the old débris in the Feather and Sacramento and to the improvement of navigation in these streams. It is an important part of the dredging project that the excavated material shall be thrown up into levees along the banks.

It is estimated that $500,000 is the least sum for which a proper system of settling basins can be provided on the American River and $300,000 the least sum for which a similar system can be provided on the Bear River. So far as controlling the débris in the Sacramento and Feather Rivers and their tributaries and improving the navigability are concerned, we believe that $800,000 spent in dredging would produce wider and more immediate benefit. In addition, the excavated material, is thrown up into levees along the banks, would do much to control floods.

The sum in question will be sufficient to equip two suction dredges and maintain them in operation for seven months a year for a period of eight years. The total amount of material moved in this time would probably be as much as 15,000,000 cubic yards.

We would not be understood as meaning that levees of a height sufficient to contain the river at extreme flood could be built on both banks along the entire stretch of river in which these dredges would work during these eight years. It will be recalled that the estimate of the Dabney Board for such levees and cut-offs amounted to more than $16,000,000. It would probably be found advisable to confine the work to one bank of the stream, but in any event the material thrown up by these dredges would be placed so as to form a useful part of any work that may be done hereafter by the State in the prosecution of the Dabney or other flood-control and reclamation project.

With dredging, the operation of the plan and the results obtained can be ascertained at any time. Emergency work can be done wherever and whenever specially needed,

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or, in short, dredging offers the most hopeful method of accomplishing débris control, improvement of navigation, and levee construction.

Should the application of this method result in restoring the navigable streams to their former condition of depth and flood carrying capacity, hydraulic mining might be permitted under less severe restrictions than now obtain. Whether unrestricted hydraulic mining can ever again be permitted in this watershed will depend on the results obtained. The additional expense for maintenance due to any expansion of hydraulic mining should be borne by a tax on each mine operating.

Many ditches originally constructed or mining are now used or power purposes and accordingly hydraulic mining on its former large scale can not be expected, and the use of water for power will gradually grow more valuable.

The State of California should assist, as it has heretofore done in débris work, by paying one-half the total cost. Furthermore, in order to prevent interruption of work, the rights of way for the levees and spoil banks should be secured before dredging is begun. On account of the benefit to the land protected, these rights of way should be procured without cost to the Government or State by the reclamation districts concerned, and the donation of said rights of way should be a condition precedent to the expenditure of money for dredging.

Conclusions.—To summarize:

1. We concur in the opinion of our predecessors that dams in the high Sierras are inadvisable on account of cost per cubic yard of storage effected.

2. We believe that for the same reason it is inadvisable to attempt to divert the Yuba, Bear, or American into the "tules" or to construct settling basins or restraining barriers in the lower courses of the Bear or American.

3. We recommend that the Yuba River project be carried to completi n, omitting the construction of No. 2 and the reconstruction of barrier No. 1.

4. Of all practicable methods of accomplishing the second of the duties assigned to the commission, we believe that dredging in the navigable streams and possibly in the lower courses of the principal nonnavigable tributaries is the most feasible and advisable.

It has been urged against the dredging plan that any improvement of the Feather and of the Sacramento above the city of Sacramento will facilitate the progress of flood waters into the river below Sacramento and will therefore raise the flood plane in the lower river. *To this the reply is obvious, that whatever work is done on the Sacramento and its tributaries must and will be done upon well-matured plans, in the preparation of which all elements of the problem will be taken into account.* The jurisdiction of the commission is not confined to the Sacramento and its tributaries *above Sacramento*, but extends as well to the river below Sacramento. To quote the act:

"It shall be the duty of said commission to mature and adopt such plan or plans * * * as will improve the navigability of all the rivers comprising said system (the Sacramento and San Joaquin systems), deepen their channels, and protect their banks. Such plan or plans shall be matured * * * with a view of restoring as near as practicable and the necessities of commerce and navigation demand, the navigability of said rivers to the conditions existing in 1860."

Recommendations.—In pursuance of these conclusions and in compliance with the requirements of the act of March 1, 1893, the commission recommends as follows:

That for the direct improvement of navigation in the Feather and Sacramento Rivers, and toward the controlling of débris and floods, an appropriation of $400,000 be made by Congress, its expenditure to be contingent on the appropriation of an equal amount by the State of California; these sums to be devoted to the construction of two hydraulic dredges and to their operation and maintenance, in accordance with the general terms of this report; provided, furthermore, that all rights of way for levees and spoil banks shall be furnished free of cost to the United States.

Respectfully submitted.

JOHN BIDDLE,
Lieutenant Colonel, Corps of Engineers.
C. H. MCKINSTRY,
Major, Corps of Engineers.
THOS. H. JACKSON,
Captain, Corps of Engineers.

Brig. Gen. A. MACKENZIE,
Chief of Engineers, United States Army.

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EXHIBIT D.

REPORT CALIFORNIA DÉBRIS COMMISSION, 1910 (MAJOR PROJECT).

[House Document No. 81, Sixty-Second Congress, first session.]

WAR DEPARTMENT,
Washington, June 27, 1911.

SIR: I have the honor to transmit herewith a letter from the Acting Chief of Engineers, United States Army, dated 24th instant, together with copy of report from the California Débris Commission, with maps, containing a project and an estimate of the cost of the same, for the relief from floods in the Sacramento Valley and the adjacent San Joaquin Valley, made in accordance with the requirements of the act of Congress approved March 1, 1893, creating the California Débris Commission.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, June 24, 1911.

SIR: I have the honor to submit herewith, for transmission to Congress, a report, with maps, submitted with letter dated August 10, 1910, by the California Débris Commission, containing a project, together with an estimate of the cost of same, for the relief from floods in the Sacramento Valley and the adjacent San Joaquin Valley. The project is submitted in accordance with the requirements of the act of Congress approved March 1, 1893, creating the California Débris Commission, which act prescribes that the duties of the commission shall be—

"(*a*) The regulation of hydraulic mining in the territory drained by the Sacramento and San Joaquin Rivers systems, so that mining by that method may be resumed and carried on without injury to other interests in the State;

"(*b*) To mature and adopt plans to improve the navigability of the above-mentioned rivers, to protect same from damage due to mining débris, and to deepen their channels, protect their banks, etc.; and

"(*c*) To afford relief in flood time and to provide sufficient water to maintain a scouring force in the summer season."

The first of the above-mentioned objects has already been accomplished; and Congress, in the river and harbor act of June 25, 1910, approved the project submitted by the commission June 30, 1907, for continuing the control of débris in the tributaries of the Sacramento River, mainly by dredging instead of by construction of settling basins. Two hydraulic dredges are provided for, and their operation is to comprise the maintenance of navigable channels as the most effectual means to accomplish the second of the duties assigned to the commission, viz, the improvement of navigation in the rivers of that system. The said act appropriated $400,000, no part of said sum to be expended unless the State of California shall provide a like sum of $400,000 for prosecution of the work.

This report presents a project for control of floods, the third duty assigned the commission. Recognizing that the interests of navigation, débris control, and flood control are inseparably connected, the commission has considered these problems as one general project, thus utilizing for the common good to the fullest extent practicable the works for any one of the three projects.

The question of flood control in the Sacramento Valley is of the utmost importance, and much study has been given to it by a State commission and others. The extensive areas of reclaimable land, its high value after reclamation, and the great damage by frequent floods to land already reclaimed, make the problem a vital one which presses for early solution. In some respects the interests of flood control and of low-water navigation are conflicting, and it is the concern of the United States to secure that solution of the flood problem which will be least injurious to the present good low-water channels. With the object of developing the most feasible and practicable plan for flood control, the commission has made surveys of the river and its tributaries, collected a large amount of data, and has given the whole subject exhaustive study, in which reports of former commissions have been utilized.

The plan proposed herein by the commission is known as the by-pass system, for the reason that an auxiliary channel through low lands at some distance from the main river is provided for the passage of the greater portion of the flood waters. This plan is described in paragraph 52 of the within report and involves the building of levees,

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excavation of channels, purchase of rights of way, construction of spillways, bridges, etc.

The estimated total cost is $33,800,000, from which should be deducted $800,000, provided in the river and harbor act of June 25, 1910, making the net cost of the present project $33,000,000. It is proposed that the State of California shall provide two-thirds and the United States one-third of this sum; also that after completion the State shall maintain all flood-control works.

The commission recommends the adoption of this project for the control of floods in the Sacramento River and its tributaries; that the work begin at once, and provision be made for its early completion; and that upon completion the United States turn over the flood-control works to the State of California for future maintenance.

This report has been referred, as required by law, to the Board of Engineers for Rivers and Harbors for consideration, and the board in its report, dated December 27, 1910, herewith, concurs generally in the plan proposed by the commission, and states that—

"The plan proposed by the commission seems well adapted to fulfill the above objects, subject to such changes as further study or experience in the course of execution may show to be desirable or necessary. The estimates from this point of view should be considered as approximate only, exact determination being impracticable in undertakings of such large magnitude, involving so many diverse interests and various details of cooperation not yet elaborated. The board is inclined to the opinion that further study should be given to the question whether it might not be preferable, even at increased cost, to keep the auxiliary channel wholly on the west side of the river, and thus lessen the risk of injury to the navigable channel where the two cross in the proposed plan.

"A project for the improvement of the Sacramento River below the city of Sacramento for the benefit of navigation was presented under authority of the act of March 2, 1907, and may be found published as House Document No. 1123, Sixtieth Congress, second session. This project provides for a channel 9 feet in depth and 200 feet in width. Under the provision of the act of March 3, 1909, a project has been forwarded by this board, under even date herewith, for the improvement of the river between Sacramento and Red Bluff, which contemplates a channel depth of 4 feet from Sacramento to Colusa, 3 feet from Colusa to Chico Landing, and such depth as is practicable under the plan recommended, from Chico Landing to Red Bluff. (See H. Doc. No. 76, 62d Cong., 1st sess.) These channel dimensions are believed to be sufficient to meet present and reasonable prospective demands of commerce, and will not be benefited by the proposed works of flood control. In fact, there is reason to apprehend greater difficulty in maintaining the low-water channel where the river is widened to increase its flood capacity, also where the by-passes leave the river, and in general where the flood heights are increased by reason of the works of flood control.

"While Congress has hitherto included flood relief among the objects to be accomplished by the work of the Débris Commission, it appears to have considered this only as incidental to the control of mining débris in the interests of navigation. Should Congress now decide to cooperate with the State of California in a comprehensive project of this magnitude for the purpose of flood control, it is believed that the plan proposed, with such division of cost as Congress may determine, should be adopted, since, in the opinion of the board, it is well designed to secure the desired result. The board reports, however, that the execution of this project is not necessary in the interests of navigation."

I concur in the views of the Board of Engineers for Rivers and Harbors.

Very respectfully,

EDW. BURR,
Acting Chief of Engineers.

The SECRETARY OF WAR.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
San Francisco, Cal., August 10, 1910.

SIR: The California Débris Commission has the honor to submit herewith a project for the relief from floods to the Sacramento Valley and the adjacent San Joaquin Valley.

This is the project which it was stated in the annual report of the California Débris Commission for 1910 would be submitted on or about July 30, 1910.

Very respectfully, your obedient servant.

JOHN BIDDLE,
Lieutenant Colonel, Corps of Engineers,
Senior Member, California Débris Commission.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

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APPENDIX A.

REPORT OF CALIFORNIA DÉBRIS COMMISSION WITH REGARD TO AFFORDING RELIEF FROM FLOODS IN THE SACRAMENTO VALLEY AND THE ADJACENT SAN JOAQUIN VALLEY, CAL.

1. The principal duties of the commission as prescribed by the act of Congress approved March 1, 1893, which created the California Débris Commission, are:

"(*a*) To regulate hydraulic mining so as to permit the resumption of that industry so far as is compatible with the protection and restoration of the navigability of the Sacramento, Feather, and San Joaquin Rivers, and the prevention of damage from overflow.

"(*b*) To improve the navigability of all the rivers of this system, deepen their channels, and protect their banks, with a view of restoring as near as prcaticable and the necessities of commerce and navigation demand the navigation of said rivers to the conditions existing in 1860.

"(*c*) To afford relief in flood time and to provide sufficient water to maintain scouring force in summer season."

2. The first of these objects has been accomplished.

3. The commission, in a special report dated June 30, 1907, submitted a project for the continuance of the control of débris in the tributaries of the Sacramento River.

4. The commission now desires to submit a project for the control of the floods in the Sacramento River.

5. The interests of navigation, débris control, and flood control in the case of this river are so inseparably connected that it is thought that they should be considered under one general project, thus utilizing to the fullest extent and for the common good any work done under projects for improvement of navigation, control of débris, or the control of the floods.

6. The United States is interested in the improvement and maintenance of the present navigable channel; it is interested jointly with the State of California in the control of mining débris; but to date it has given no attention to the flood problem.

7. Any work done on the present river channel, in the nature of deepening it or of preventing mining débris from entering it, will increase its flood-carrying capacity and improve it both as a navigable and flood-carrying stream. Any work, however, that involves the widening of the channel will injure its navigability and necessitate the use of artificial means for securing low-water navigation. It is to the interest of the United States, therefore, that, if practicable, solution of the flood problem be adopted which will result in the least injury to the present good low-water navigable channel.

8. It is with this object in view that this commission has for some years been making surveys of this river and its tributaries, and collecting data for the preparation of a project which will control the floods in the river at a minimum cost and which when carried out will have caused the least injury to the present navigable channel.

9. The great amount of reclaimable land in the Sacramento Valley, its high value after being reclaimed, and the great damage to the land already reclaimed, wrought every few years by floods, render the problem of flood control a vital one which must be solved in the immediate future.

10. This problem has been considered for many years and various solutions have been advanced. Several of the proposed projects possess many good qualities and all have been considered in the preparation of this one. All projects prior to this one, however, have been based on a maximum flood discharge of about 250,000 cubic feet per second at Collinsville, while the floods of March, 1907, and January, 1909, showed that it will not be safe to provide for less than 600,000 cubic feet per second. It is evident that when the maximum flood discharge considered was less than one-half of what it is known to have been at a later date, great modifications must be made in the projects that have been advanced.

11. A commission of engineers, commonly known as the Dabney commission, appointed by the State of California to consider this problem, submitted in 1904 a complete and very comprehensive project. Up to the date of the flood of March, 1907, this project had been considered as the one most nearly filling the requirements of the case. In the discussion of this problem, the project of the Dabney commission is constantly referred to and compared with the project proposed herein, for the reason that the former project has received such general sanction in the State of California and has been so generally considered as a possible solution.

12. The Dabney report contemplated a widening of the present channel below the mouth of the Feather River from the present average width of about 600 feet to a width of about 1,200 feet. Though this would result in serious injury to navigation,

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it was considered that the benefits derived would justify such injury and a greatly increased cost of maintenance of the navigable channel. Modifying the Dabney project, however, to carry present estimated discharge, and assuming the proposed average depth of 35 feet, would necessitate the widening of the present channel to about 2,400 feet above Sacramento and about 3,000 feet between Sacramento and Cache Slough. This would ruin the present low-water channel throughout that division, a distance of about 80 miles, and make it impossible to maintain a water channel equal to the present, except at a cost of improvement and maintenance which would be almost prohibitive.

13. The problem of the maintenance of such a channel is further complicated in this case by the mining débris lying in the American and Feather Rivers, for there are at least 300,000,000 yards of material in those streams that must eventually pass to tidal waters. Some idea of the difficulty to be experienced from this mining débris can be obtained from the estimates submitted in a report submitted in 1908 by the engineer officer in charge of the river. The annual cost of maintenance by dredging of a 9-foot low-water channel below Sacramento was estimated at $42,000; that of a 12-foot depth below Sacramento at $160,000; that of a 15-foot depth below Sacramento at $425,000; and that of a 9-foot low-water channel between Sacramento and Feather River was estimated at $207,500. This excessive maintenance is due almost entirely to the mining débris in the Feather and American Rivers.

14. At present, owing to the restricted channel width, the river is able to maintain a good channel by scouring out at mean stages the débris brought into it during the high stages. On the other hand, with an increased channel width, the scouring effect would be less and the annual cost of maintaining the present navigable depths would be great. While the commerce of the Sacramento River is not large, it has a high value per ton. It is estimated that the average amount for the past 15 years has been 425,000 tons, valued at over $20,000,000. At present the annual tonnage is estimated at 425,000 tons and its value at about $30,000,000. This increase in value is due to the nature of the crops now being grown, especially on the lower river. Considering the extent of this commerce, it is evident, therefore, that any injury to the present navigable conditions will be a serious injury to the development of the river districts which are dependent on the river for transportation.

DESCRIPTION OF LOCALITY.

15. The entire central portion of California is a low, flat depression inclosed by mountains. It consists of an elliptically shaped valley about 450 miles long and 40 miles wide, embracing about 18,000 square miles. This basin is inclosed by the Sierra Nevada Mountains on the east and the Coast Range on the west. The entire drainage area of this great valley is about 57,000 square miles. The northern portion of this valley is drained by the Sacramento River and its tributaries, while the southern portion is drained by the San Joaquin River.

16. From an examination of the geology of the surrounding country it seems probable that Suisun Bay is all that is left of a large inland sea, the leveling effect of the weather and rainfall having filled the remainder and converted it into land by the eroded material carried down by the river from the surrounding mountains. This action has progressed for a great period of time and is still in progress. That portion of this great inland depression lying north of the Consumnes River is ordinarily known as the Sacramento Valley, while that portion to the south is known as the San Joaquin Valley. The Consumnes River, however, is only a convenient boundary, as there is no definite dividing line between the two valleys.

SACRAMENTO VALLEY.

17. The watershed of the Sacramento Valley is about 27,000 square miles, with an average rainfall of about 30 inches. This rainfall varies from about 18 to 20 inches in the flat portion of the valley to as high as over 100 inches in sections of the Sierra Nevada and Shasta regions, where there are maximum elevations of 11,000 and 14,000 feet. Practically all of the precipitation occurs during a few months in the winter and early spring, so that the warm rains and melting snows together cause frequent floods. The upper portions of all the streams have high gradients and are torrential in character. Most of the tributary streams are in flood at the same time, and the Sacramento River is called upon nearly every spring to carry off floods far beyond the capacity of its channel.

18. The flood waters flowing over the banks in a thin sheet have raised the natural banks by successive deposits in the manner characteristic of similar sediment-bearing streams, and in this manner natural levees of low elevation have been built which

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prefent the overflowed water from finding its way back to the neighboring channel when the river falls. Large basins have thus been formed where the water stands after the flood until evaporated or until it finds its way through other natural channels and side sloughs into the river at points nearer its mouth. These basins, together with the sloughs and side channels at the mouths of this river and the San Joaquin, comprise an area of about 1,250 square miles, which is subject to overflow at every ordinary flood. This area is increased to about 1,700 square miles at extraordinary floods.

19. In the lower part of the Sacramento and San Joaquin Valleys there are islands varying in area from 1,500 to 43,000 acres, most of which have been reclaimed for agricultural purposes. This overflow land (swamp land) is probably as good and as productive as any in the State of California. Reclaimed lands that are improved, i. e., hop vineyards, orchards, asparagus and alfalfa lands, etc., are now valued as high as $300 or more per acre, while the average value of the reclaimed land along the 65 miles of the river below Sacramento is about $200 per acre.

20. In the Sacramento Valley there are 48 reclamation districts, and reports on 41 of these districts, with an area of 317,904 acres, showed on July 1, 1909, that 205,423 acres have been completely reclaimed, and 99,376 acres have been partially reclaimed by the construction of 521 miles of levee. The total cost of such reclamation on that date was estimated at $15,039,525, with contemplated improvements amounting to $1,762,053. (Sacramento city was not included in the above statements.) It is estimated that in addition to the cost of reclamation to property owners, the State of California has expended on protection works along the rivers about $2,500,000.

21. It is estimated that the control of the floods will result in the reclaiming for agricultural purposes of about 400,000 acres, now valued at about $20 per acre, the value of which reclaimed should average $150 per acre, in addition to protecting the 300,000 or more acres now reclaimed and valued at about $200 per acre.

22. The losses throughout the valley due to the floods have been large. The estimated loss in the 41 reclamation districts mentioned in paragraph 20 during the flood of January, 1909, was over $4,500,000. The losses due to the flood of March, 1907, were somewhat greater than those of the flood of January, 1909. It is estimated that the losses due to the floods of 1904, 1907, and 1909 amounted to at least $11,000,000. From the above data regarding the cost of the reclamation of these swamp lands and of the extent of the injury sustained due to the great floods, the urgency of protection against floods is evident.

23. The conditions that affect the cost of making new reclamations and of protecting the old reclamations are growing worse from year to year, and will continue to do so until some general scheme of control is effected, for every additional reclamation results in a contraction of the present waterway or a reduction of the storage area that has heretofore been available. This results in the flood waters reaching the lower reaches of the river with an increased volume, a higher flood plane, and a greater velocity. The problem presented for solution, then, is to prevent the flooding of these lands and to do so with the least possible injury to the present navigable channels.

24. The valley is, in general, of alluvial formation, and below, about Stony Creek, the river has the characteristic elevation of banks with depressed basins on each side. Above Stony Creek the river lies in the lowest part of the valley and has sufficient capacity to carry all its flood waters except at times of extraordinary floods. Below that point, however, the river channel is deficient in capacity and requires artificial correction. On the west side there are two basins, Colusa Basin and Yolo Basin, separated by a ridge extending from the hills to the vicinity of Knights Landing. (This ridge is 12 to 18 feet higher than the basin above or below and is the result of deposits from Cache Creek.) On the east side Marysville Buttes, Feather River, and American River divide the depression into four basins, called, respectively, Butte Basin, Sutter Basin, American Basin, and Sacramento Basin. The areas and capacities of these basins during the floods of 1907 and 1909 are estimated as follows:

	Acres.	Acre-feet.
Butte Basin	54,000	407,000
Sutter Basin	116,000	1,038,000
Colusa Basin	93,000	880,000
American Basin	70,000	571,000
Yolo Basin	140,000	1,126,000

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Or a total of about 470,000 acres and 4,022,000 acre-feet.

25. The Sacramento River channel from Stony Creek to Butte Slough, a length of about 52 miles, differs from the division above. The slope is less and the channel flood capacity decreases progressively downstream, so that at Butte Slough it is only about 70,000 cubic feet per second, or about 30 per cent of that at Stony Creek. A considerable portion of the flood discharge escapes through Butte Slough, with a corresponding reduction in the cross section of the channel below.

26. The division of the river from Butte Slough to Feather River, a length of about 64 miles, is not only more contracted in cross section than the division above, but it is very crooked and has a flatter slope. Its flood capacity is reduced at Knights Landing to about 23,000 cubic feet per second, or about 10 per cent of that at Stony Creek. The navigable channel, however, is correspondingly better, and there is no difficulty in maintaining a low-water depth of 4 feet.

27. Near the mouth of the Feather River the waters from Butte and Sutter Basins return to the Sacramento, and there is added such portion of the flow of the Feather as remains in its channel at flood stage. Opposite the mouth of Feather River and at points below the surplus flood water escapes into Yolo Basin, to return to the river at Cache Slough.

28. The channel of the Sacramento River from the Feather River to Suisun Bay contains large deposits of mining débris brought down by the Feather and American Rivers. The accumulations of mining débris in the channel of the Sacramento River have raised the bed about 5 feet and reduced its capacity about 5 to 10 per cent. In the lower reaches of the Feather, Yuba, Bear, and the American Rivers there still remains at least 300,000,000 cubic yards of material which must in time enter the Sacramento.

29. At the head of Grand Island the river divides into two main channels, Old River and Steamboat Slough, which unite at Cache Slough. Georgiana and Three Mile Sloughs on the east carry their waters from the Sacramento to the San Joaquin River.

30. The following table shows the estimated capacity of the river at various points, the distance of such points above the mouth of river (Collinsville), and the estimated discharge capacity that should be provided to care for the great floods if the waters were confined to a single channel:

Localities.	Distance.	Capacity (present).	Capacity (required).
	Miles.	*Cubic feet per second.*	*Cubic feet per second.*
Chico Landing	202	235,000	235,000
Colusa	151	70,000	250,000
Knights Landing	94	25,000	250,000
Below Feather River	81	65,000	450,000
Below American River	62	80,000	525,000
Below Cache Slough	16	165,000	600,000

31. *Feather River.*—The Feather River above the mouth of the Yuba has not been injured to any extent by mining deposits. Below the Yuba it is full of mining débris, and its channel capacity has been greatly reduced.

32. *Yuba River.*—The Yuba River, the principal tributary of the Feather, drains that region where hydraulic mining operations were carried on most extensively. As a result the bed of the river has been raised from about 11 feet at its mouth to about 80 feet at Smartsville, 20 miles upstream. It is estimated that the deposit in that distance is about 250,000,000 cubic yards. This material varies from large cobblestones at Smartsville to a mixture of sand and clay, with some gravel in the main channels, at junction with the Feather River. For 10 miles above the mouth the levees are from 1 to 2½ miles apart, the space between being covered with this débris. It has ample flood capacity between the present levees except at its junction with Feather River.

33. *American and Bear Rivers.*—These rivers rise in the Sierra Nevadas and have also received large deposits of mining débris. While not in such a bad condition as the Yuba, their beds are practically filled with this material.

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34. While entirely inadequate as a flood channel, the Sacramento River has a good navigable channel below Colusa. The following table shows the low-water navigable depths below Red Bluff, the head of navigation:

From—	To—	Miles.	Least channel.
Mouth of river at Collinsville	Sacramento	64	7 feet.
Sacramento	Colusa	90	4 feet.
Colusa	Chico Landing	57	3 feet.
Chico Landing	Red Bluff	52	3 feet for about 6 months; 1½ to 2 feet for about 6 months.

During the period 1875–1910 the average annual cost of maintenance has been $27,680.63, and the greater portion of this expenditure, probably about 65 per cent, has been made in the 60 miles immediately above Colusa. When account is taken of the length of this river and of the quantity of débris that has been carried and is still being carried down each year, some idea can be obtained of the natural excellence of the low-water channel. In this connection attention is again invited to the statements in paragraphs 12 to 14, inclusive.

PROPOSED SOLUTIONS.

35. Of the many projects that have been suggested for the solution of this problem, the following two have been considered the only ones possessing sufficient merit to justify discussion:

(*a*) Main-channel system.
(*b*) By-pass system.

MAIN-CHANNEL SYSTEM.

36. *Project of 1880.*—The project to confine the river to one main channel was advocated first in 1880, under the State engineer, Mr. William Ham Hall, with a board of consulting engineers consisting of Gen. S. Alexander and Col. George H. Mendell, Corps of Engineers, and Mr. J. B. Eads. A general plan of reclamation was devised, suggested by Gen. Alexander and approved by the others, by which the river was to be confined between high levees and was intended eventually to carry all its flood flow in its own channel. Side relief channels were to accommodate the excess not carried by the river itself, but these relief channels were to be ultimately abandoned when the river had developed its ability under this treatment to carry all floods. This plan was never accepted nor acted on by the State legislature.

37. *Dabney project.*—In 1904 a project was prepared by a board of engineers consisting of Messrs. T. G. Dabney, State levee engineer, Mississippi; Henry B. Richardson, member of Mississippi River Commission; M. A. Nurse, chief engineer State of California, commissioner of public works; and Maj. H. M. Chittenden, Corps of Engineers, United States Army. This project is similar to that of Gen. Alexander, Corps of Engineers, and contemplates confining the entire flow at high stages between permanent levees. Under this project the use of side relief channels is counted on until the project is far enough advanced to rely on the improved channels. Cut-offs at various places were to reduce the length of the river and increase the slopes.

38. The project, in brief, consisted in shortening the channels and enlarging them to the desired extent, partly by dredging and partly by natural scour, and by building levees along the best practicable lines to concentrate and rectify the river and hold it to its work of developing and maintaining its channel. These levees were to be sufficiently high to contain ultimately the entire flood flow. Side creeks were to be leveed and pumping plants established to care for the natural drainage. One-third of the excavation (about 120,000,000 cubic yards) was to be made by mechanical means, while the balance (about 240,000,000 cubic yards) was to be made by natural scour.

39. The estimated cost was placed at $23,776,002.

40. This project was based on a maximum flood discharge of 250,000 cubic feet per second below Cache Slough, which was greater than that provided for by any previous projects.

41. Before discussing this project it must be pointed out that while the Dabney report is based on a maximum flood discharge of 250,000, the records of the United States Geological Survey on the floods of March, 1907, and January, 1909, would indicate that provision should be made for a discharge of at least 600,000. This means

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channel capacities below the mouth of the Feather River of more than double those provided in that project, and a resultant increase in cost.

42. The principal objections to the proposed project are:

(*a*) This project provided for the moving of about 320,000,000 cubic yards of material, of which about 214,000,000 were to be removed by the river and carried to tidal waters. A modification of this project to meet the present known maximum flood discharge will involve the moving of over two and one-half times the above amount. If the same assumption is made with reference to scour by the river, then about 545,000,000 cubic yards will have to be carried to tidal waters. This amount of material can not be carried into Suisun Bay without injury to that body of water, resulting in injury to navigation interests on both the Sacramento and San Joaquin Rivers and the reclaimed areas along that bay. The filling up of Suisun Bay would also result in the raising of the flood plane at the mouth of the Sacramento River, with a consequent raising of the flood plane at points above. This is objectionable. It is considered by this commission, however, that under a modified project it would not be practicable to obtain the desired channel capacity by current action.

(*b*) Injury to navigation in the Sacramento River from Collinsville to Colusa, due to the excessively wide channel required.

The following table shows the present average widths, the necessary widening for the proposed widths of the Dabney commission, and the widths required to carry the estimated maximum flood discharge, based on the floods of March, 1907, and January, 1909:

Section of river.	Required capacity.	Mean widths at present.	Dabney commission width.	Required mean width.	Widening necessary— For Dabney flood.	Widening necessary— For required capacity.	Ratio between two last columns.
Stony Creek to Caldens Landing	260,000			960			
Caldens Landing to Meridian	250,000	340	830	1,120	490	780	1.56
Meridian to Feather River	250,000	250	770	1,250	520	1,000	1.92
Feather to American	450,000	570	1,000	2,300	430	1,730	4.02
American to Grand Island	525,000	550	1,200	2,740	650	2,190	3.37
Steamboat Slough	470,000	380	1,000	2,320	620	1,940	3.13
Old River	50,000						
Below Cache Slough	600,000	1,080	1,400	3,325	320	2,245	7.02

The same slopes and mean depths as those used by the Dabney Commission are used in determining these estimated widths.

From this table an idea can be obtained of the inadequacy of the proposed channels of the Dabney Commission and of the increase in the amount of work and its probable cost.

The average low-water discharge of the Sacramento River is about 7,000 to 8,000 cubic feet per second, with a minimum of about 5,500 cubic feet per second. It is evident that this widening of the channel to the widths given above will ruin the present low-water channel, and that its restoration and maintenance will be a very expensive proposition, probably so great as to be prohibitory.

At the present time, owing to the contracted channel, the depths corresponding to high and mean stages of the river are greatly prolonged and the river is thus better able to care for the great quantity of mining débris that the floods in the tributaries bring into it. If the channel were increased in width as required under a main-channel project, the river would be for only a short period at what are now considered high and mean stages, for the channel would be several times wider and the amount of water flowing at the mean stages would be less than at present owing to the elimination of the present storage areas. The river would therefore be unable to care for the débris brought into it by the floods. The conditions would be similar to that of the Feather River below Marysville, where the channel having become filled with débris has such a great width that the flow at mean and low water stages is not sufficient to care for the débris brought into it from the Yuba and Bear Rivers at floods, and navigation has become impracticable except for a few months of each year.

(*c*) The indefinite period required for the completion of the project, owing to the amount of excavation that is dependent on natural scour—current action. With a modified project contemplating the excavation of all material by mechanical agencies this objection would be removed.

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(*d*) The cost of completing this project was estimated at $23,776,022; but considering the present known maximum flood discharge it is estimated that the modified project will cost at least $90,000,000.

43. The one advantage of this project is that it provides for the reclamation of the greatest possible area of land, amounting to about 60,000 acres more than can be reclaimed under the by-pass system.

BY-PASS SYSTEM.

44. The by-pass system was advocated by Messrs. Marsden, Manson, and C. E. Grunsky, who, as consulting engineers to the commissioner of public works, submitted in 1894 a report on the flood control of the Sacramento River. This project involves:

First. The enlargement and utilization of the river channels to their maximum capacity as drainways, i. e., channel rectification.

Second. The overflow of surplus waters from the river channels at selected points.

Third. Control of the surplus waters between embankments forming by-pass channels, and a rapid delivery of the same into Suisun Bay.

45. *Channel rectification.*—The principal works of channel enlargement and rectification were:

First. Below Cache Slough the river was to be reduced in width at Newton Shoal and widened at Horseshoe Bend, with general correction of alignment.

Second. Steamboat Slough was to be enlarged and made the main drainage channel.

Third. Above Feather River the alignment of the river was to be systematically improved.

46. *Overflow weirs.*—The overflow weirs were to be located so as to pass flood waters into by-passes only at very high stages of the river. Two weirs, with an aggregate length of 6,500 feet, were to be placed just below the mouth of the Feather River, and a third, 1,200 feet long, 7 miles below Sacramento.

In Sutter Basin weirs were to be placed at the head of Butte Slough, and at or near Tisdale Break, with a combined length of 3,700 feet.

In Butte Basin the weir, 4,000 feet long, was to be located 2 miles above Butte City, while in the Colusa Basin a weir 750 feet long was to be located about 4 miles below Jacinto.

The crests of all these weirs were located at the general bank height, or about 3 feet below the assumed flood plane.

47. *By-passes.*—The by-pass in Yolo Basin was to have a capacity of 108,000 cubic feet per second to Putah Creek and 130,000 cubic feet per second below that point. The embankments were to vary from 4,000 to 4,500 feet apart and be 15 feet high.

The by-pass in Sutter Basin was to have a capacity of 70,000 cubic feet per second, with embankments 2,500 feet apart and about 15 feet high.

The Butte Basin by-pass was to be 2,400 feet wide, with embankments 3 feet above the assumed flood plane.

The Colusa Basin by-pass was intended to act principally as a drainage canal for the Colusa Basin and its drainage area. It was to extend through the ridge at Knights Landing and connect with the Yolo Basin by-pass. Its width was to be about 800 feet, with embankments varying from 9 to 11 feet.

48. The estimated cost of this project was $8,637,000 for the by-passes and $650,000 for the channel corrections. This did not include any estimate for constructing levees along the river or its tributaries, though the project contemplates the construction of levees to a height that would confine all water that the by-passes do not carry. It was assumed that the individual landowners would construct those levees. The estimate did not provide for pumping plants in the basins that could not be drained by gravity, though the project recognizes them as necessary. The cost of those plants was to be borne by local interests.

49. The maximum discharge for which provision should be made was not given, but the by-passes provided were to supplement the river capacities to the following extent:

	Cubic feet per second.
Above Colusa	60,000
Colusa to Feather River	80,000
Feather River to Cache Slough	108,000–130,000

The capacities of the river at various points were given as follows:

	Cubic feet per second.
At Colusa	63,000
At Sacramento	70,000

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The maximum discharge below Cache Slough was therefore assumed at about 200,000 cubic feet per second, which it was considered would not be exceeded more than once or twice in a century.

The elevations of the assumed flood planes at Cache Slough, Feather River, and Butte Slough were 13, 36, and 64 feet, respectively. The elevations of the assumed flood planes of the Dabney project and of this project at these points are, respectively, 14, 47, and 74 feet, and 15, 40, and 65 feet.

50. The principal objections to this project are its incompleteness and, owing to the lack of flood-discharge data, its inadequateness. The principles upon which this project is based, however, are believed to be sound. The project proposed by this commission differs from this project principally in providing for the complete control of a much larger flood discharge.

PLAN PROPOSED BY THIS COMMISSION.

51. It seems practicable to control the floods in this river and its tributaries in such a manner as to secure the desired results, without the objectionable features of injury to Suisun Bay, injury to navigation in the Sacramento River from Cache Slough to Colusa, indefinite period of construction, and excessive cost.

52. The project now proposed by this commission involves:

(*a*) Dredging to flood channel section that portion of the river below Cache Slough, with rectification of the channel by a cut-off at Horseshoe Bend.

(*b*) Improving the channel at various points, especially at the head of Steamboat Slough, so that the river from Cache Slough to American River will have a capacity of about 100,000 cubic feet per second.

(*c*) Constructing a weir opposite the mouth of Feather River and connecting it by means of a permanent by-pass in Yolo Basin with Cache Slough, this by-pass and weir to be of sufficient cross section to carry all flood waters that can not be carried by the present river below the above weir.

(*d*) Constructing a weir at Moultons Break, about 13 miles above Colusa, and connecting it by means of a permanent by-pass in the Sutter and Butte Basins with the Sacramento River at its junction with Feather River, this weir and by-pass to be of sufficient capacity to carry all flood waters that can not be carried by the present river below this weir.

(*e*) Increasing the cross section of the river above Moultons Break by raising the levees and placing them farther apart, so that the increased cross section will provide for the estimated discharge.

(*f*) Constructing a weir at Brytes Bend, 2 miles above the mouth of the American River, and connecting it by means of a permanent by-pass with the Yolo Basin by-pass, this by-pass and weir to have a capacity of about 70,000 cubic feet per second, or sufficient to carry the excess flood water that reaches that point.

(*g*) Reconstructing the present Tisdale Weir and connecting it by means of a permanent by-pass with the Sutter-Butte by-pass, the weir and by-pass to have a capacity of about 35,000 cubic feet per second, or sufficient to carry the excess water that reaches that point.

(*h*) Confining to their present channels by means of levees the flood waters of all of the important tributary streams.

(*i*) Collecting the hill drainage in intercepting canals and convey it to the rivers or by-passes at convenient points.

(*j*) Providing for the drainage of the basins by placing culverts with gates at various points in the by-pass levees.

53. The objections which may be offered to this scheme are:

(*a*) The cost of maintaining the levees will be greater under this project than in the case of one main flood channel, on account of their greater length.

(*b*) The possibility of deposit in the by-passes and in the river itself below the spillways.

(*c*) The large area of land devoted to the by-passes. This project does not admit of the reclamation of the greatest possible amount of the land subject to overflow, as it requires about 60,000 acers of land more than a main-channel project.

54. The advantages of this solution are:

(*a*) It is estimated that this project can be completed for about $33,000,000, or about 35 per cent of that of a main-channel project of equal capacity.

(*b*) The cost of maintaining the river channels, both from a standpoint of navigation and flood control, will be less than the maintenance of equally good channels under a main-channel project.

(*c*) No injury will be done to Suisun Bay by the scouring of hundreds of millions of yards of material into it.

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(*d*) The period of construction will be less.

(*e*) The by-pass system is especially adapted to the use of storage reservoirs whether for the development of power or for irrigation purposes and, considering the numerous storage sites available for these purposes, it is probable that the time will come when the present flood and low water conditions will be affected by such storage. This subject will be discussed more fully later.

55. It may be claimed that the use of by-passes will result in great deposit therein from the main river and from tributary streams flowing into the by-pass, as in the case of Yolo by-pass. An examination of the land in the vicinity of the mouths of Cache and Putah Creeks shows that no considerable deposits are now being made in Yolo Basin by débris from those streams. Therefore, with the increased velocities in the by-passes over those in the basins at present, it is not to be expected that any considerable deposit will be made by them in the by-pass.

The by-passes will not be utilized at all some seasons, and it is probable that they will be in commission but a short period other years: therefore the deposit, if any, should not be great.

Considering the velocities in the by-passes due to the slopes in same, it is not expected that there will be much deposit of the material that may be carried into them. The conditions will be different from those at the present spillways and breaks where the water escapes at flood from the river into a large basin of comparatively still water, with an immediate deposit of the material carried in suspension. Further, there will be no water escaping into the by-passes except at stages above about 6 to 8 feet below the present maximum flood stages. Therefore the material carried into the by-passes should be principally material in suspension which will not be deposited in them.

56. It may be argued that the use of the by-passes will result in deposit in the river immediately below the spillways, especially below those spillways in the portion of the river carrying large quantities of mining débris. Considering, however, that the crest of the spillway into Yolo Basin is at elevation 30, or about 16 feet above low water at that point, the waters of the river after the flood wave has passed will be kept in the present channel, where they will be utilized to scour out any deposits that may have formed during the flood. Elevation 30 at the mouth of the Feather River corresponds to an elevation of about 24 feet at Sacramento, or a stage at least 16 feet above extreme low water. The elevation of the weir opposite the mouth of American River will be 30.6 feet, which corresponds to an elevation of about 29 feet at Sacramento.

With the flood waters escaping into Yolo by-pass at elevation about 30, the conditions will be better than those at present, the river overflowing now into the American and Yolo Basins at about elevation 26 feet. It is most desirable from a navigation standpoint that the river should be kept at what is now a low high-water stage during as great a portion of the year as possible in order to prevent deposit and secure scour.

57. *Flood discharge.*—It was not until the flood of March, 1907, that definite data regarding the run-off from the Sacramento River watershed during a great flood were available. The records of the United States Geological Survey on that flood have proven of the greatest service in arriving at a reliable estimate of the flood discharge. Those records are assumed as a basis in determining a maximum discharge for which provision must be made at the critical points along the river. It is considered that this flood was the greatest experienced since the flood of 1862, and while a discharge of any one tributary may occur that will exceed that of the flood of 1907, the possibility of a greater discharge than that of 1907 simultaneously in several important tributaries is so remote that it is not considered advisable to provide for a greater flood over the entire river system. Owing to the breaks that occur at various points in the levees during every large flood, and the consequent filling up of the basins adjacent thereto, it has always been impracticable to gauge the river itself, and the flood discharge at any point and the corresponding flood height must be arrived at from gauged discharge of the river and its tributaries at points where they are confined to their channels, with due allowance for the flattening of the flood wave due to channel capacity and for the time of arrival of floods in the tributaries.

58. *United States Geological Survey records.*—During this flood the United States Geologival Survey kept gauge records on the Sacramento at Red Bluff, the Feather at Oroville, the Yuba at Smartsville, Stony Creek at Fruto, Cache Creek at Yolo, Putah Creek at Winters, Bear River at Van Trent, and the American River at Fair Oaks.

59. The official reports for the year 1907 have not been issued, and the following table giving the run-off from the Sacramento Basin in cubic feet for March 18–21, 1907, is taken from an article entitled "Flood of March, 1907," pages 281–330, Volume LXI, Transactions of the American Society of Civil Engineers. This article was written by Messrs. W. B. Clapp, E. C. Murphy, and W. F. Martin of the United States Geological Survey, and is based on the data collected by that survey and published by permission

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of the Director of the United States Geological Survey. The run-off of the unmetered area is an estimate by the same authorities, assuming a run-off of 50 per cent of the precipitation for the period March 17–20 in the case of the mountains and foothills, and of 40 per cent of the rainfall for the same period in the case of the Sacramento Valley.

Streams.	Drainage area (square miles).	1907				Mean for 4 days.
		Mar. 18.	Mar. 19.	Mar. 20.	Mar. 21.	
Sacramento River	9,300	118,000	164,000	192,000	132,000	151,500
Stony Creek	601	25,000	20,000	13,450	6,800	16,310
Feather River	3,640	107,900	129,600	84,900	66,740	97,290
Yuba River	1,220	85,000	100,000	60,000	27,000	68,000
Bear River	263	15,500	28,000	17,400	8,400	17,300
American River	1,910	63,200	93,000	77,000	65,000	74,600
Cache Slough	1,230	13,500	19,000	12,500	7,820	13,200
Putah Creek	805	19,800	24,700	10,000	5,460	15,000
Mountains and foothills	3,907	.....	.....	.....	.....	76,000
Sacramento Valley	4,250	.....	.....	.....	.....	25,500
Total	27,126	.....	.....	.....	.....	554,700

60. The maximum stages of the various streams and the time are given below:

Streams.	Cubic feet per second.	Time.
Sacramento River	[1] 204,000	2 p. m., Mar. 20.
Feather River	185,000	1 a. m., Mar. 19.
Yuba River	105,000	2 p. m., Mar. 19.
Bear River	28,000	Mar. 19.
American River	[2] 105,000	5 a. m., Mar. 19.
Stony Creek	25,000	Mar. 18.
Cache Slough	[2] 20,000	Night, Mar. 19–20.
Putah Creek	[2] 33,000	About 12 m., Mar. 23.
Unwatered mountains and foothills	[3] 100,000	Mar. 19.

[1] The maximum recorded discharge at this point is 250,000 cubic feet per second, which occurred on Feb. 3, 1909. The maximum recorded discharge previously was 224,000 cubic feet per second on Feb. 16, 1904.
[2] Estimated.
[3] Estimated for 24 hours.

61. The records of the flood of January, 1909, by the same authority show that flood was of a magnitude almost as great as that of the flood of March, 1907. The following data are a comparison of these two floods, taken from a brief analysis of the flood of January, 1909, by W. F. Martin, engineer, United States Geological Survey, dated February 9, 1909. In this analysis the following statement is made:

"The figures show that the flood of January, 1909, did not crest as high as the flood of March, 1907; but this year's flood was better sustained for a period of four consecutive days. There is no question, however, that the 1907 flood was better sustained for a longer period, such as a week or 10 days. During January the total peak, or crest, flow into the Sacramento Valley was 778,000 second-feet, as against 834,000 in 1907, or 6.5 per cent smaller. The crest flow lasted only a few hours, and it did not occur in all the streams simultaneously, but nearly so. The greatest mean daily flow in January was 658,000 second-feet, as against 719,000 in 1907, or 8.5 per cent smaller. The mean daily flow for four consecutive days was 527,000 in January and 530,000 two years ago, or practically the same for the two floods."

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Comparison of the flood flow into the Sacramento Valley for March, 1907, and January, 1909.

Streams and places.	Flow at crest.			Greatest daily mean flow.		Greatest 4-day mean.	
	March, 1907.	January, 1909.	February, 1909.	March, 1907.	January, 1909.	March, 1907.	January, 1909.
Sacramento, at Red Bluff	204,000	[1] 205,000	250,000	[2] 192,000	175,000	152,000	129,000
Feather, at Oroville	185,000	[1] 170,000	.....	[2] 130,000	130,000	97,300	112,000
Yuba, at Smartsville	105,000	[1] 90,000	.....	[2] 100,000	85,000	68,000	68,000
Bear, at Van Trent	30,000	[1] 40,000	.....	[2] 28,000	27,000	17,300	20,000
American, at Fair Oaks	105,000	[1] 90,000	.....	[2] 100,000	85,000	74,600	75,000
Stony, at Fruto	[4] 30,000	[4] 28,000	[4] 38,000	[5] 25,000	[4] 25,000	16,300	[4] 17,000
Cache, at Yolo	19,500	17,500	25,000	[2] 19,000	17,000	13,200	12,000
Putah, at Winters	35,000	32,400	34,000	[2] 25,000	29,000	15,000	12,000
Unmetered mountains and foothills	[6] 120,000	[6] 105,000	.....	[6] 100,000	[6] 85,000	76,000	[6] 76,000
Total flow into valley	834,000	778,000	.....	719,000	658,000	530,000	527,000

[1] Jan. 16.
[2] Mar. 20.
[3] Mar. 19.
[4] Estimate made from flow at Orland.
[5] Mar. 18.
[6] Estimated in comparison with run-off in 1907.

62. The following table gives a comparison of the estimate of the Dabney Commission for the maximum discharge of the river at various points, and the estimate of Messrs. W. B. Clapp, E. C. Murphy, and W. F. Martin, in their article, which has been referred to in paragraph 59:

Places.	Maximum rate assumed by Dabney Commission.	Maximum rate computed by Messrs. Clapp, Murphy, and Martin.
	Cubic feet per second.	*Cubic feet per second.*
Below mouth of—		
Stony Creek	180,000	261,000
Feather River	190,000	466,000
American River	220,000	559,000
Cache Slough	250,000	640,000

It is thought that the estimates of Messrs. Clapp, Murphy, and Martin should be followed very closely in determining the necessary channel widths, and their maximum is assumed, with certain allowances for flattening of the flood wave in passing down the improved channels.

63. It is doubtful if the flood in the American was a maximum in 1907, and it is not considered safe to estimate its maximum flood discharge at less than 120,000 cubic feet.

64. Considering the above discharge data and the estimated maximum flood discharge of Messrs. Clapp, Murphy, and Martin, it is considered that provision should be made for the following discharges:

	Cubic feet per second.
Sacramento River below Stony Creek	260,000
Stony Creek	30,000
Sacramento River at Moulton Weir	250,000
In river to Tisdale Weir	65,000
In river from Tisdale Weir to Feather River	30,000
Tisdale by-pass	35,000
Sutter-Butte by-pass	185,000–220,000
Feather River above Marysville	150,000
Yuba River	110,000
Bear River	30,000
Feather River below Marysville	240,000
Yolo by-pass at spillway	400,000

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	Cubic feet per second.
Yolo by-pass below Colusa Basin Canal	410,000
Yolo by-pass below Cache Creek	425,000
Yolo by-pass below American by-pass	490,000
Yolo by-pass below Putah Creek	510,000
From Feather River to American River	50,000
From American River to Cache Slough	100,000
Below Cache Slough	600,000
American River	120,000
Colusa Basin Canal	10,000
Cache Creek	20,000
Putah Creek	25,000
Sacramento by-pass	70,000

65. The above discharges are large and much larger than many may consider it advisable to provide for. The floods considered, however, were of long duration and but little reduction can be allowed for the flattening of the flood wave under such conditions. In the projects that have heretofore been seriously considered, the estimated flood discharges of the main river and of most of its tributaries have been abnormally low, and the possibility of even those low discharges being maintained for some days was not considered probable. The floods of 1907 and 1909 have proved conclusively that a flood in this river may continue for several days at almost the point of maximum discharge. Failure to provide for a discharge such as is shown by these floods of 1907 and 1909 would leave open the way for damage by the occurrence of a similar flood.

66. The magnitude of the maximum flood discharge of the Sacramento River may be better appreciated by comparing it with that of several well-known rivers of the United States:

Rivers.	Drainage area above station.	Maximum flood discharge (cubic feet per second recorded).
	Square miles.	
Mississippi (at Vicksburg)	1,100,000	1,777,000
Mississippi (above Missouri River)	165,000	366,000
Missouri	527,000	[1] 546,000
Columbia	237,000	1,390,000
Ohio	201,700	1,233,000
Arkansas	186,300	440,000
Red River	90,000	210,000
Sacramento	26,000	[2] 600,000

[1] It is estimated that the discharge of the Missouri River during the floods of 1884 and 1903 was 900,000 cubic feet per second.
[2] Estimated, 1907–1909.

67. The by-pass system permits the adoption of an entirely safe estimate of the flood discharge, for no considerable excavation is involved except below Cache Slough, and if an excessive flood discharge is assumed the cost is increased but little except in the item "Purchase of land." Under the concentration scheme, however, the assumption of an excessive flood discharge means a great increase in cost due to excavation for this extra discharge, as well as an increase in cost of land.

68. It is considered advisable, therefore, by this commission to provide capacity for a flood of the extent and duration of that of March, 1907, or January, 1909, and that provision for anything less would be not only unwise but unjustifiable.

69. *Elevation of the high-water plane.*—In determining the elevation of the high-water plane the important points, Collinsville, Cache Slough, American River, and Feather River, Marysville and Moultons, and Chico Creek were first determined and the intermediate elevations determined from those. The datum plane assumed is 3.60 feet below mean sea level.

Mean high water at flood stages at Collinsville is taken as the elevation of the flood plane at that point. The gauge records of the flood of January, 1909, show that the mean high water at that point is about 7 feet. The elevation at the mouth of the American River is assumed at 35 feet. Owing to the many disadvantages to Sacramento city of a high-water elevation it is desirable to keep that elevation as low as possible. On the other hand, a sufficiently high elevation must be assumed to make

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the river at that point care for about the maximum discharge of the American River and also to prevent too much of the upper river flood waters from coming down to the American River. An elevation of 35 feet insures about sufficient capacity to care for the American River and allows an elevation of 40 feet at the mouth of the Feather River, with only about 50,000 cubic feet per second to be cared for at the spillway just above the American River.

An elevation of 40 feet at the mouth of the Feather River makes it possible to care for all of the flood waters above that point except about 50,000 cubic feet per second which is passed into the Yolo by-pass at the American River spillway, with reasonable heights of levees in the Sutter-Butte and Yolo by-passes. The elevation at the mouth of Cache Slough was assumed at 15 feet, based on the determination of the other important points just mentioned. The elevation at Marysville at the Yuba City bridge is assumed at 75.5 feet, a safe elevation for the levee system of that town and an elevation that it is known will care for the floods in the Yuba and Feather Rivers with little modifications in the present levee systems in the vicinity of Marysville.

The elevation at Moultons is assumed at 86 feet. The elevation at Chico Creek is assumed at 141.6 feet.

As a general statement it may be said that all flood-plane elevations were assumed so as to make the present channel carry as much water as possible, but at the same time obtain such flood-plane elevations as would permit the locating of the by-passes in the troughs of the basins with the assumed allowable levee heights.

70. The elevations of the high-water plane at points where the slope changes and the distances and slopes between these points are given below:

	High-water elevation.	Distance.	Slope in feet per mile.
Collinsville	7.0	15.9	0.503
Mouth of Cache Slough	15.0	18.3	.464
Head of Grand Island:			
Via Old River	23.5	11.4	.745
Via Steamboat Slough	23.5	27.7	.415
Mouth of American River	35.0	19.5	.256
Mouth of Feather River	40.0	43.4	.323
		[1] 37.0	.379
Tisdale Weir	54.0	27.0	.564
1 mile above Colusa	69.2	12.6	1.33
Moultons Break	86.0	20.0	1.60
1½ miles below Jacinto	118.0	17.8	1.33
Chico Creek	141.6	.....	.....
Feather River	40.0	25.0	1.06
1 mile below Eliza Bend	66.5	4.7	1.90
Yuba City Bridge	75.5	24.9	2.10
1 mile below head of Butte County Canal	128.0	.....	.....

[1] With cut-offs.

71. In making computations for discharges the side slopes of the channels are assumed as 3 to 1, extending from the bed of the stream to the top of the levee. In applying Kutter's formula n is taken at 0.030.

IMPROVEMENT OF CHANNELS.

72. *Collinsville to Cache Slough.*—The channel in this division must be excavated to full-flood section, or to an average width of about 3,100 feet and a mean depth at flood stages of 35 feet. The levees will be raised to 5 feet above the adopted flood plane of 7 feet at Collinsville and 15 feet at Cache Slough. This will provide for a flood discharge of about 600,000 cubic feet per second. In connection with the enlargement of the channel, it is proposed to straighten the channel by a cut through Horseshoe Bend. Threemile Slough will be closed as soon as the channel below that point is completed to its full-flood section. The amount of excavation in this division is estimated at 148,600,000 cubic yards.

73. *Cache Slough to head of Grand Island.*—No change will be made in Old River except to raise the levees to 3 feet above the adopted flood plane of 15 feet at Cache Slough and 23.5 feet at head of Grand Island. This will provide for a flood discharge of about 54,000 cubic feet per second.

In Steamboat Slough the only improvement will be the setting back of the levees in the upper 4½ miles, to provide for a discharge of about 46,000 cubic feet per second.

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The levee system throughout will be raised to 3 feet above the adopted plane of 15 feet at Cache Slough and 23.5 feet at head of Grand Island. This will provide for a flood discharge of about 46,000 cubic feet per second.

74. *Head of Grand Island to American River.*—The only changes in this section will be the closing of Sutter Slough and the setting back of the levees at two or three points where the cross section is not sufficient with the adopted flood plane. The levees will be raised throughout to a height of 3 feet above the adopted flood plane of 23.5 feet at head of Grand Island and 35 feet at American River. This will provide for a flood discharge of about 100,000 cubic feet per second.

75. *American River to Feather River.*—The levees in this section will be raised to a height of 3 feet above the adopted flood plane of 35 feet at American River and 40 feet at Feather River. The capacity will be greater than the required capacity of 50,000 cubic feet per second.

76. *Feather River to Tisdale Weir.*—The river in this section has several very bad bends. It is proposed to straighten the channel in the vicinity of Grays Bend, Collins Eddy, Ministerial Bend, and Race Track Bend by cuts, having a total length of about 1.4 miles. These cuts will shorten the present channel about 6.4 miles and will increase the capacity of the river to about 30,000 cubic feet per second. The cost of making these cuts will be offset by the saving in the levee construction that would be necessary along the present channel at these points, and the reduction in length of the improved channel, amounting to about 6.4 miles, will give a considerable decrease in cost of maintenance. The amount of excavation is estimated at 1,550,000 cubic yards. No other work will be done in this section except the closing of all sloughs and the raising of the levee system to 3 feet above the adopted flood plane of 40 feet at Feather River and 54 feet at Tisdale Weir.

77. *Tisdale Weir to Moulton Weir.*—No change will be made in this division except to raise the levees to a height of 3 feet above the adopted flood plane of 54 feet at Tisdale Weir, 69 feet at 1 mile above Colusa, and 86 feet at Moulton Weir. This will provide for a capacity of 65,000 cubic feet per second.

78. *Moulton Weir to Chico Creek.*—In this division the levees will be set back to secure sufficient cross section to care for a flood discharge of 260,000 cubic feet per second. The levees will be raised to a height of 3 feet above the adopted flood plane of 86 feet at Moulton Weir, 118 feet at 1½ miles below Jacinto, and 141.6 feet at Chico Creek. Where the levees are set back to provide for additional cross section, all timber and obstructions to the free flow of the flood waters must be removed to permit an increase in cross section of the flood channel.

79. *Feather River.*—Along this river the present levees will be utilized where available and new levees will be constructed along lines that will give a capacity between levees of about 240,000 cubic feet per second to Marysville and 150,000 cubic feet above Marysville. The levees will be raised to a height of 3 feet above the adopted flood plane of 40 feet at the mouth of the river, about 66.5 feet 1 mile below Eliza Bend, and 75.5 feet at Yuba City Bridge. Above Marysville the levees will be raised and strengthened on the east side of Feather River to the mouth of Honcut Creek, thence up the south side of that creek to high ground. On the west side the levees will be extended to about 1 mile below the head of the Butte County Canal, the elevation of the flood plane at this point being assumed at 128 feet.

0. *Yuba River.*—No work is needed along this river except the protecting and strengthening of the south levee at a few points and the clearing of brush in the channel to a width of about 2,000 feet. The present capacity is about 110,000 cubic feet per second.

81. *Bear River.*—The adopted flood plane is 55 feet at Feather River and 62.5 feet 7 miles upstream. Levees 3 feet above the adopted flood plane will be provided to care for a flood discharge of 30,000 cubic feet per second.

82. *American River.*—The levee system on the south side of this river, strengthened where necessary, will be utilized as far as possible. On the north side a levee will have to be constructed 3 feet above the adopted flood plane of 35 feet at the mouth of the river and about 49 feet at high ground above 8½ miles upstream. The capacity to be provided is 120,000 cubic feet per second.

83. *Chico Creek and Stony Creek.*—These creeks enter the Sacramento River at the upper limit of the necessary regulating works. Levees will be constructed along the south bank of each for a distance of about 2½ miles.

84. All other important tributaries will be provided with levees extending from the main rivers or by-passes to high ground.

85. *Yolo Basin by-pass.*—The adopted flood plane in this basin is 15 feet at Cache Slough, 27 feet at Southern Pacific Bridge, and 40 feet at Fremont Weir. The flood discharge to be provided for varies from 400,000 cubic feet per second at Fremont

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Weir to about 500,000 cubic feet per second at Cache Slough. To provide for this discharge the by-pass will have a width varying from about 8,000 feet at Fremont Weir to about 12,000 feet above Cache Slough. On account of the inferior material of which the levees will be constructed and the wave action to which they will be exposed, they will be constructed 6 feet above the adopted flood plane. At the head of the by-pass the ground rises to elevation about 30 feet, at which elevation the crest of the weir is placed.

86. *Sutter-Butte by-pass.*—The adopted flood plane in this basin is 40 feet at Fremont Weir, 45 feet at 3 miles below Tisdale by-pass, 57 feet at about opposite Butte Slough, and 86 feet at Moulton Weir. The flood discharge to be provided for varies from 185,000 cubic feet per second at Moulton Weir to 220,000 cubic feet at the mouth of Tisdale by-pass. To provide for this discharge the by-pass will have a width varying from about 1,900 feet to 4,100 feet. The levee height will be 5 feet above the adopted flood plane.

87. *Tisdale Weir by-pass.*—This by-pass will connect Tisdale Weir with the Sutter-Butte by-pass. It will have a capacity of about 35,000 cubic feet per second.

88. *Sacramento by-pass.*—This by-pass will connect the Sacramento Weir with the Yolo by-pass. It will have a capacity of about 70,000 cubic feet per second.

LEVEE SYSTEM.

89. The crown width of all levees is to be 10 feet, with slopes of 3 to 1. The construction will be in accordance with the best practice of levee construction. The grade will be 3 feet above the high-water plane except in the by-passes, where it will be 5 to 6 feet, and below Cache Slough, where it will be 5 feet. The present levees will be utilized as far as practicable.

Where the river must be widened to secure the necessary cross section it will be widened, if possible, on that side on which the land is least valuable. Where levees are constructed in connection with excavations for cut-offs, canals, increase in channel capacity, etc., deductions are made in the estimates of the cost of levee work.

SPILLWAYS.

90. *Fremont Weir.*—It is proposed to construct at the head of the Yolo by-pass and opposite the mouth of the Feather River a weir which will allow the passage at maximum flood flow of all the flood waters of the Sacramento and Feather Rivers except about 50,000 cubic feet per second. This weir will have a length of about 8,000 feet. Its sill will be placed at elevation 30 feet, or 10 feet below the adopted flood plane at this point. To provide for the passage over it of such a volume of water, it must be of the strongest construction, and the estimate of cost is based on a concrete structure on concrete pile foundations, of dimensions and construction such as that of similar works on the Ohio River. The elevation assumed will permit the confining of the river to the main channel up to about a 16-foot stage—an ordinary stage. The river may be confined to a higher stage by constructing this weir with a movable crest. If the crest were lowered below that assumed, the saving in the cost of spillway would be more than offset by the additional cost of excavation. The advantages of keeping the river confined at the higher stages has been discussed before. It is estimated that this spillway will cost about $1,000,000.

91. *Sacramento Weir.*—The weir located at Brytes Bend, 2 miles above American River, will be similar in construction to that of the Fremont Weir. It will have a length of about 1,670 feet and its sill will be at elevation 30.6 feet, or about 5 feet below the adopted flood plane at that point. The estimated cost is $168,000.

92. *Moulton Weir.*—The weir located at the head of Sutter-Butte by-pass will be similar in construction to that of the Fremont Weir. It is to be about 2,840 feet in length, and its sill will be at elevation 79 feet, or 7 feet below the adopted flood plane at that point. The estimated cost is $284,000.

93. *Tisdale Weir.*—This weir, located about 26 miles below Colusa, was constructed by the State of California some years ago. It has a length of about 1,140 feet and a crest elevation of 42.3 feet. It is proposed to utilize this weir in the present project by raising its crest to elevation 50 feet, or 4 feet below the adopted flood plane at that point. The estimated cost is $91,000.

DRAINAGE OF WATERSHEDS TRIBUTARY TO BASINS.

94. *Yolo Basin.*—The large streams and sloughs that now empty into this basin will be connected to the by-pass by levees which will extend up those streams to high ground.

95. *Colusa Basin.*—It is proposed to construct a drainage canal extending from Sycamore Slough to the Yolo by-pass. This canal will be about 7 miles long, with an

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enlargement of Sycamore Slough for about 2½ miles. It will have a bottom width of 300 feet and side slopes of 1 on 1. Its capacity with Colusa Basin at elevation 30 feet will be about 16,000 cubic feet per second. The amount of excavation is estimated at 6,700,000 cubic yards.

96. *Butte Basin.*—It is proposed to construct a line of levees along the trough of this basin northward from the Sutter-Butte by-pass. They will be located to intercept a great portion of the drainage now entering the basin.

97. *American Basin.*—No provision is made for the drainage into this basin, as it is considered that the reclamation project of the Natomas Consolidated Co. will care for all drainage into this basin.

98. *Drainage of basins.*—Provision remains to be made for the drainage of the unreclaimed lowlands of the basins of the water that will accumulate there from local rainfall, seepage, etc. This will be done by the use of culverts, with suitable gates through the levees at the lowest point of the area to be drained. These culverts will afford a means of draining these areas by gravity as the water falls in the adjacent channels. The estimate for this work is included under miscellaneous work. Where the land is reclaimed no provision is made for such drainage, that duty devolving on the property owner. It is assumed that any drainage canals constructed in Sutter and Yolo Basins will be done in connection with the levee construction in those basins, and the cost of same will be considered as levee construction.

99. The question of caring for the numerous small streams tributary to these large basins is one that involves much consideration and study, and the commission is not in the possession of sufficient data to properly consider this question. Owing to the difficulty of making any estimate of the cost of caring for this water, no detailed estimates are made. Provision can be made to cover this work only by making the estimate for miscellaneous work sufficiently large to meet the cost of any possible solution, and this has been done.

MISCELLANEOUS.

100. *Rights of way.*—It is very necessary that the rights of way be acquired promptly, otherwise the work will be greatly delayed. This project will involve less difficulties along this line than that of any project heretofore considered, for the bulk of the land and the rights of way to be secured are controlled by a limited number of people and most of the land is not reclaimed.

101. *Irrigation and power reservoirs.*—The commission has considered the possibility of the control of floods, in part at least, by the utilization of storage reservoirs. The Geological Survey and the Reclamation Service have made examinations and surveys of reservoir sites, both in the Coast Range and the Sierras. The commission has also had the principal sites examined, and has delayed this report for the purpose of making these examinations. While the available data is not sufficient to report fully on all possible sites, and while some other sites than those considered may later be found practicable, the information on hand is sufficient to discuss the advisability of the use of reservoirs for flood control. As all the tributaries have been looked over, it is not probable that any large reservoir sites exist that have not been examined.

The reservoir capacity on the Coast Range is relatively small as affecting the flood discharge. In the Sierras three principal sites have been surveyed—on Indian Creek, on Pitt River, and on the North Fork of the Feather River. It is calculated that the combined effect of these three reservoirs will reduce the floods of the Sacramento as follows: Above Moulton Weir 9.8 per cent, in Sutter by-pass 11.2 to 13.3 per cent, in Yolo by-pass 8.2 per cent, and below Cache Slough 6.1 to 10.2 per cent. The effect is therefore small, and additional means to care for floods would in any case have to be provided. The value of the reservoir from an economical point of view is whether this relatively small amount of flood discharge can best be cared for by reservoirs or by by-passes.

The following table shows the relative cost:

Reservoirs.	Ratio of cost of control in valley to control in reservoirs.
Clear Lake	1.0– 1.5
Indian Valley (Clear Lake)	1.0– 2.0
Putah Creek reservoirs	1.0– 1.7
Stony Creek reservoirs	1.0– 3.0
Indian Valley (Feather River)	1.0 10.0
Big Valley	1.0– 5.0

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It is therefore evident that this partial control by reservoirs is not economical. If for power or irrigation purposes reservoirs are constructed, and part of the flood withheld, it will simply mean that the by-passes will be in use for a shorter period of time, and that the river will carry a larger proportionate part of the flood. Reservoirs for power or irrigation purposes are difficult to operate to the best advantage for flood control, as they would be filled at the earliest moment and would then exercise but little effect on subsequent floods.

While favoring the use of reservoirs as far as possible, and considering that one of the advantages of the project herein proposed is that it lends itself to future storage possibilities, the commission believes that it is not economical to construct reservoirs for flood control, but that such construction should be deferred until these reservoirs prove desirable for power and irrigation purposes.

102. *Clearing between levees, etc.*—When the levees are set back to provide for additional cross section, it is proposed to remove all timber and obstructions to the free flow of the flood waters for a width sufficient to obtain the necessary flood channel cross section. The estimate for this work, including the right to clear and keep this land clear for use as an overflow channel, is $576,000, or $30 per acre. This estimate is included under miscellaneous work.

103. *Bank revetment.*—It is probable that some bank protection may be found necessary, but that matter is one to be considered in connection with the question of maintenance, not of construction.

104. *Telephone lines.*—A complete telephone system should be established along the river and its tributaries throughout the limits of the work, and extensions made to all of the United States Geological Survey's gaging stations. The estimate for this work is included under miscellaneous work.

BRIDGES, ETC.

105. In connection with the completion of this project a railroad bridge across the Colusa Basin Canal will be necessary, and the following bridges and trestle of the Southern Pacific Co. will require raising or reconstruction: Bridge at Knights Landing; bridge at Yuba City; bridge across Feather River, above Yuba City; trestle across Sutter Basin; trestle across Yolo Basin. A change in the location of this company's track for about 5 miles along lower Feather River is also contemplated, the track for this distance to be moved back on the new levee. The estimates for this work were prepared by the Southern Pacific Co., to which this commission is greatly indebted. It is considered that as much of this work of reconstruction will be to the interest of the Southern Pacific Co. that company will be willing to share in the expense. This is especially true of the following constructions:

First. Bridge across Yolo by-pass, where estimates are based on a double track to replace the present single track trestle.

Second. Bridge across Sutter by-pass.

Third. Moving of 5 miles of track along lower Feather River.

In preparing these estimates it is assumed that this company will assume 65 per cent of the cost of the Yolo by-pass bridge, 50 per cent of the Sutter by-pass bridge, and the entire cost of moving the track along Feather River.

(*a*) It is proposed to construct across the Yolo Basin by-pass a double-track steel railway bridge about 9,500 feet long, with about 50-foot clear spans and a draw span of about 80 feet at each end for the passage of dredges. The elevation of the lowest member is fixed at 3 feet above the adopted flood plane at that point,. The estimated cost of this bridge and the work on its approaches is estimated at $1,589,000, of which the Southern Pacific Co. will assume $1,033,000.

(*b*) It is proposed to construct across the Sutter by-pass a single-track steel railway bridge with about 50-foot clear spans and with an 80-foot draw span at each end for the passage of dredges. The elevation of the lowest member of this bridge is fixed at 3 feet above the adopted flood plane at that point. The length of the bridge will be about 3,400 feet. The estimated cost of the bridge and work on approaches, etc., is $370,000, of which the Southern Pacific will assume $185,000.

(*c*) It is proposed to construct across the Colusa Basin Canal a single-track steel railway bridge about 375 feet long. The elevation of the lowest member is fixed at 3 feet above the elevation of the adopted flood plane in the canal at that point. The cost of the bridge and work on the approaches, etc., is estimated at $53,000.

(*d*) The bridge at Knights Landing will have to be raised 7 feet, and the cost of the work involved incident to this rise is estimated at $121,000.

e) The railroad bridge between Yuma City and Marysville will have to be raised 6 feet, and the cost of the work involved incident to this rise is estimated at $70,000.

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(*f*) The railroad bridge across Feather River above Marysville will have to be raised 6 feet, and the cost of the work involved incident to this rise is estimated at $140,000.

106. *Other bridges.*—The other important bridges that will have to be raised are the highway bridges across the Sacramento River at Butte City and at the head of Grand Island. Numerous small highway bridges across the tributary streams and across the various canals, etc., will have to be constructed, and in many cases the present bridges will have to be modified. The number and sizes of these bridges have not been definitely determined, so this work is provided for by a lump sum. It is considered that local interests, county, city, etc., should contribute in work on many of these bridges. It is estimated that the cost of raising and of rebuilding all bridges other than those of the Southern Pacific Co. is $253,000.

107. *Preliminary surveys.*—The estimates of quantities, dimensions, and locations of those portions of the work along the main river—the American River—and the Feather River and its principal tributaries, the Yuba and Bear, are based on surveys made by this commission since 1905 and by the United States engineer officer in charge of the Sacramento River in 1908 and 1909. Estimates on those portions of the work in the overflow basins are based on the surveys of the United States Geological Survey. As a preliminary to much of the drainage work in and adjacent to the basins and to the control of the creeks flowing into the basins, it will be necessary to make many surveys; but it is thought that such surveys, while important in determining locations, will not result in material change in the estimates of quantity.

108. *Prosecution of the work.*—Under this project work can be carried on simultaneously at practically all points, but the final completion and putting into operation of the several principal parts of this plan should progress upstream from Collinsville. By the time the river channel is improved to Cache Slough the Yolo and Sutter Butte by-passes should be ready for service. Meanwhile the levees of the tributary streams, the drainage canals, etc., should have reached such a state of completion that not more than one flood season need elapse before they are completed. Vigorous prosecution of the work at all points is essential.

ESTIMATES.

109. (*a*) *Leveeing.*—About 90 per cent of all the leveeing can be done using clamshell dredges. The balance of the dredging will have to be done using teams and scrapers. The work to be done by means of dredges is divided into two classes, depending on the quantity of work in the locality and the facilities for operating dredges. Where the quantity is large and the dredges can be operated without difficulty, the unit cost is taken at 6 cents per cubic yard. For other clamshell dredging the unit cost is placed at 12 cents. Where teams and scrapers are to be used, the unit cost is placed at 20 cents.

(*b*) *Excavation.*—Estimates for excavation are based on the use of clamshell and hydraulic dredges, except for that at the different weirs, and are as follows: In lower river, 6½ cents per cubic yard; in Colusa Basin Canal and cut-offs above Feather River, 12½ cents per cubic yard; and at weirs, 25 cents per cubic yard.

(*c*) *Right of way.*—The right of way will be a costly feature of this project, though the bulk of the land to be acquired is unreclaimed land in the basins. For improved land along the river below Knights Landing the average cost is estimated at $200 per acre. For improved land along the upper river and the tributary streams the average cost is estimated at $75 per acre. For unreclaimed land the average cost is estimated at $25 per acre.

110. *Table of estimates.*—

Levees:		
58,000,000 cubic yards, at 6 cents	$3,480,000	
28,000,000 cubic yards, at 12 cents	3,360,000	
18,000,000 cubic yards, at 20 cents	3,600,000	
		$10,440,000
Excavation:		
148,600,000 cubic yards, at 6½ cents	9,659,000	
8,250,000 cubic yards, at 12½ cents	1,031,250	
380,000 cubic yards, at 25 cents	95,000	
		10,785,250
Land:		
4,400 acres, at $200	880,000	
8,400 acres, at $75	630,000	
78,000 acres, at $25	1,950,000	
		3,460,000

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Spillways:		
8,000 feet, at $125	$1,000,000	
4,500 feet, at $100	450,000	
1,140 feet, at $80	91,200	
		$1,541,200
Bridges		1,382,000
Miscellaneous		1,740,000
Engineering and contingencies, 15 per cent		4,451,550
Total		33,800,000
Less amount appropriated under existing project		800,000
Total		33,000,000

111. *Maintenance.*—In view of recommendation three in paragraph 116, no estimate of maintenance is made.

112. *Maps.*—There is submitted with this report a map of the valley of the Sacramento River to a scale of 1 inch to 5,000 feet, on which are indicated all the works recommended in this project. There is also submitted a sheet of profiles of the adopted flood planes in the rivers and by-passes.

113. The surveys and the collection of data made in connection with the preparation of this project were under the immediate charge of Mr. H. H. Wadsworth, assistant engineer, whose report is appended hereto.

CONCLUSIONS.

114. The project here submitted differs much from the commonly accepted solution, but this commission is satisfied that it more nearly meets the requirements of the case than any heretofore considered. In a consideration of this project attention is invited to its small estimated cost and short time of completion; also to the fact that the floods are controlled immediately and completely upon its completion.

115. The results to the State of California in permitting reclamation and preventing damage to reclaimed lands are great, but the United States also gains in keeping the present channels uninjured. It is the opinion of the commission that both should therefore share in the construction of the works under this project, the United States to the extent of 33⅓ per cent. It is also the opinion of the commission that the State of California will benefit to such an extent by the control of the floods of the river that upon the completion of this project it should take over and maintain all flood-control works, the United States to provide only for the maintenance of the navigable channels. This seems an equitable distribution both of the first cost and the maintenance.

RECOMMENDATIONS.

116. It is therefore recommended:

First. That the United States begin at once the work for the control of the floods of the Sacramento River in accordance with the above project and provide for its early completion.

Second. That the United States contribute one-third of the cost of work and the State of California contribute the remaining two-thirds.

Third. That upon its completion the United States turn over to the State of California for maintenance all flood-control works.

Respectfully submitted.

JOHN BIDDLE,
Lieutenant Colonel, Corps of Engineers.
THOS. H. JACKSON,
Captain, Corps of Engineers.
CHAS. T. LEEDS,
First Lieutenant, Corps of Engineers.

The CHIEF OF ENGINEERS, UNITED STATES ARMY.

[Second indorsement.]

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, December 27, 1910.

Respectfully returned to the Chief of Engineers, United States Army.

This is a report by the California Débris Commission on the subject of the control of floods in the Sacramento River. It is apparently submitted in compliance with that provision in the act of March 1, 1893, creating the commission, which refers to affording relief in flood time, as follows:

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"SEC. 5. That it shall further examine, survey, and determine the utility and practicability, for the purposes hereinafter indicated, of storage sites in the tributaries of said rivers and in the respective branches of said tributaries, or in the plains, basins, sloughs, and tule and swamp lands adjacent to or along the course of said rivers, for the storage of débris or water or as settling reservoirs, with the object of using the same by either or all of these methods to aid in the improvement and protection of said navigable rivers by preventing deposits therein of débris resulting from mining operations, natural erosion, or other causes, or for affording relief thereto in flood time and providing sufficient water to maintain scouring force therein in the summer season."

This provision of the law appears to contemplate only such flood relief as would be incidental to the reservoirs or settling basins that were once regarded as the most important means of controlling the mining débris. Moreover, in the same act Congress discriminated between the objects of the work to be undertaken by the United States and the State, respectively, as follows:

"SEC. 24. That for the purpose of securing harmony of action and economy in expenditures in the work to be done by the United States and the State of California, respectively, the former in its plans for the improvement and protection of the navigable streams and to prevent the depositing of mining débris or other materials within the same, and the latter in its plans authorized by law for the reclamation, drainage, and protection of its lands, or relating to the working of hydraulic mines, the said commission is empowered to consult thereon with a commission of engineers of said State, if authorized by said State for said purpose, the result of such conference to be reported to the Chief of Engineers of the United States Army, and if by him approved shall be followed by said commission."

In the river and harbor act of June 25, 1910, however, Congress has approved the conclusion announced by the commission in its report of 1907 in favor of dredging rather than settling basins as the most effectual means for "the direct improvement of navigation in the Feather and Sacramento Rivers, and toward the controlling of débris and floods." The problem is stated by the commission as follows:

"The United States is interested in the improvement and maintenance of the present navigable channel; it is interested jointly with the State of California in the control of mining débris; but to date it has given no attention to the flood problem.

"Any work done on the present river channel in the nature of deepening it or of preventing mining débris from entering it will increase its flood-carrying capacity and improve it both as a navigable and flood-carrying stream. Any work, however, that involves the widening of the channel will injure its navigability and necessitate the use of artificial means for securing low-water navigation. It is to the interest of the United States, therefore, that if practicable that solution of the flood problem be adopted which will result in the least injury to the present good low-water navigable channel.

"It is with this object in view that this commission has for some years been making surveys of this river and its tributaries and collecting data for the preparation of a project which will control the floods in the river at a minimum cost and which when carried out will have caused the least injury to the present navigable channel.

"The great amount of reclaimable land in the Sacramento Valley, its high value after being reclaimed, and the great damage to the land already reclaimed wrought every few years by floods render the problem of flood control a vital one which must be solved in the immediate future."

Extensive surveys and investigations have been carried on for a number of years by the commission, and much thought and study have been given to this subject, culminating in the within report, which outlines a project for the control of the floods through the cooperation of the State of California and the United States. The question of flood control in the Sacramento Valley is recognized as being of the utmost importance to the State of California and the varied interests located in the valley, and this subject has had the consideration of many engineers, boards, and commissions. Several plans have been advanced involving different methods of control at varying costs. Excessive floods in recent years, however, indicate a maximum discharge of more than twice the volume assumed in these former projects, and they are therefore considered wholly inadequate at the present time.

The California Débris Commission has had the benefit of these former studies in considering the greater problem with which it has been confronted, and it submits herein a project estimated to cost $33,800,000, toward which the commission proposes to apply $400,000 appropriated by the act of Congress approved June 25, 1910, and the like sum of $400,000 furnished by the State of California in compliance with the terms of said act, leaving $33,000,000 to be provided if the project is adopted and carried out. It proposes that the State of California shall provide two-thirds and the United States one-third of this sum and that the State shall maintain all the flood-

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control works, this distribution of the first cost and maintenance being equitable in the opinion of the commission.

The plan proposed is known as the by-pass system by reason of the auxiliary channel to be provided through the lowlands at some distance from the river, along the greater portion of its length, and intended to take the major part of the discharge during extreme flood stages. On the tributaries and the upper Sacramento levee systems are proposed of sufficient capacity to confine all flood waters, and the channel of the Sacramento below Grand Island is to be enlarged to a similar capacity. The intermediate portion of the river is also to be leveed above extreme flood height, and will provide capacity sufficient for small floods, but it will be able to carry only a minor part of the maximum flood discharge. Weirs are provided at certain points in the levee lines, over which the surplus flood waters will pass into the auxiliary channel when the river rises above the weir levels. The auxiliary channel is formed by two lines of levees along the low ground in the Butte, Sutter, and Yolo Basins. It leaves the Sacramento about halfway between Butte City and Colusa on the left bank, crosses the Sacramento at the mouth of the Feather River, and rejoins it on the right bank at the foot of Grand Island. This project is the result of careful study and deliberation, and, in the opinion of the commission, will solve the problem of flood control and resulting land reclamation in the Sacramento Valley without injury to navigation interests. The commission has considered the use of reservoirs for flood control, but concludes that they could at the most afford only a small percentage of the necessary relief, and this at such a great cost that they are not economically justifiable for this purpose alone.

The plan proposed by the commission seems well adapted to fulfill the above objects, subject to such changes as further study or experience in the course of execution may show to be desirable or necessary. The estimates from this point of view should be considered as approximate only, exact determination being impracticable in undertakings of such large magnitude, involving so many diverse interests and various details of cooperation not yet elaborated. The board is inclined to the opinion that further study should be given to the question whether it might not be preferable, even at increased cost, to keep the auxiliary channel wholly on the west side of the river, and thus lessen the risk of injury to the navigable channel where the two cross in the proposed plan.

A project for the improvement of the Sacramento River below the city of Sacramento, for the benefit of navigation, was presented under authority of the act of March 2, 1907, and may be found published as House Document No. 1123, Sixtieth Congress, second session. This project provides for a channel 9 feet in depth and 200 feet in width. Under the provision of the act of March 3, 1909, a project has been forwarded by this board, under even date herewith, for the improvement of the river between Sacramento and Red Bluff, which contemplates a channel depth of 4 feet from Sacramento to Colusa, 3 feet from Colusa to Chico Landing, and such depth as is practicable under the plan recommended from Chico Landing to Red Bluff. These channel dimensions are believed to be sufficient to meet present and reasonably prospective demands of commerce, and will not be benefited by the proposed works of flood control. In fact, there is reason to apprehend greater difficulty in maintaining the low-water channel where the river is widened to increase its flood capacity, also where the by-passes leave the river, and in general where the flood heights are increased by reason of the works of flood control.

While Congress has hitherto included flood relief among the objects to be accomplished by the work of the débris commission, it appears to have considered this only as incidental to the control of mining débris in the interests of navigation. Should Congress now decide to cooperate with the State of California in a comprehensive project of this magnitude for the purpose of flood control, it is believed that the plan proposed, with such division of cost as Congress may determine, should be adopted, since, in the opinion of the board, it is well designed to secure the desired result. The board reports, however, that the execution of this project is not necessary in the interests of navigation.

For the board:

WM. T. ROSSELL,
Colonel, Corps of Engineers,
Senior Member of the Board.

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APPENDIX B.

REPORT OF ASSISTANT ENGINEER H. H. WADSWORTH.

UNITED STATES ENGINEER OFFICE,
San Francisco, Cal., July 14, 1910.

CAPTAIN: I have the honor to submit the following report on studies and investigations made by me relative to the control of floods in the Sacramento Valley and its relation to navigation in the Sacramento River:

Detail surveys of the Sacramento River from its mouth at Collinsville to Chico Landing have been made and reported upon in connection with reports on projects for improvement of navigation.

Within the past few years surveys have also been made of the Feather River below Oroville, but complete only as to that portion below Marysville; also of those portions of the Yuba, Bear, and American Rivers lying between their mouths and the foothills of the Sierra Nevada Mountains.

These surveys and that of the San Joaquin River below Stockton, made under the direction of Col. John Biddle in 1908, together with several minor surveys made under the direction of this office, form the framework of the map of the valley of the Sacramento and San Joaquin Rivers, which, with a sheet of profiles showing several actual and assumed water surfaces of the Sacramento River and adjoining basins, accompany this report.

The topography, except in the immediate proximity of the rivers and portions of the troughs of Yolo, Sutter, and Butte Basins, has been taken, so far as they were available, from the published maps of the United States Geological Survey.

The contours in the territory lying between the Feather and Sacramento Rivers, except the lower parts of Sutter and Butte Basins, were obtained from the map of the Sacramento Valley published in 1895 by the commissioner of public works of the State of California, modified by elevations obtained by lines of levels extending easterly across the basins from Butte City and from Meridian, the latter being from surveys of the Northern Electric Railway.

The data used in this report, relative to the discharge of rivers during the flood of March, 1907, were obtained from a paper by Messrs. W. B. Clapp, member, American Society of Civil Engineers, E. C. Murphy, member, American Society of Civil Engineers, and W. F. Martin, jr., American Society of Civil Engineers, engineers of United States Geological Survey, published in Volume LXI of Transactions of American Society of Civil Engineers.

The records of gauge heights at several points, kept by the United States Weather Bureau, were used to supplement those obtained from numerous staff and several registering gauges maintained in connection with the surveys under the direction of this office.

A general statement of the physical characteristics of the Sacramento River and its several tributaries is given in the report of the State commission of engineers to the commissioner of public works of California, under date of December 15, 1904. The report of this commission, commonly known as the Dabney commission, was reprinted as an appendix to a report of a board of engineer officers, United States Army, in House Document No. 262, Fifty-ninth Congress, first session, so that it does not seem necessary to repeat much of this descriptive matter. After reviewing the several plans which had theretofore been proposed for dealing with the floods of the Sacramento Valley, the Dabney commission formulated a comprehensive plan for the rectification of the river and the reclamation of the adjacent lands.

This report did not consider the effect which the carrying out of its plan would have on navigation, but it was recognized by those who have to do with the maintenance of navigable channels that the enlargement of the river channel to carry such a flow as was then assumed to be a maximum would greatly increase the difficulty and cost of maintaining a good channel at low-water stages. To adapt this same general plan, by the further enlargement of channels, to the flood conditions of March, 1907, would not only render the maintenance of a navigable channel still more difficult, but, if the necessary channel enlargement by the methods proposed could be extended to the limits which this new flood standard requires, would take a very large area of valuable agricultural lands which are now either completely reclaimed or which lie so high that flood waters recede from them each year in time to produce bountiful crops.

The occurrence of another flood in January, 1909, nearly as great as that of 1907, and even surpassing that on some of the tributaries, does not make the assumption tenable thet such floods are so phenomenal and are separated by such very long intervals that a flood-control project should not provide for them.

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A study of the cross sections of the Sacramento River and Valley shows that the river never carried more than a small percentage of the water delivered to it by its tributaries. Before levees were constructed the excess escaped into the basins over the banks in a thin film, gradually building up the banks by the deposit of sediment, thus increasing the depth and consequently the velocity in and capacity of the channel. The capacity decreased progressively downstream, because of the further escape of water. When levees came to be built they were located on the natural ridges along the channels, thus raising the flood heights in channel and improving channel depths, but, on account of insufficient provision for escape of water, compelling breaks in the weaker levees and escape of the water to the flood basins. The effect of a break is, of course, to protect the adjacent districts from the danger of increased flood height, and the discharge of the water into these basins of great capacity delays its appearance at outlet of same until the crest of flood wave in the river channel has passed.

The insufficient capacity of outlets of flood basins results in the raising of the water in them to such heights as to threaten the back levees of reclaimed lands and in the backing up of the water in the main channels. When the Sacramento River at the outlet of Cache Slough is at its highest stage, the water stands practically level from that point nearly to Walnut Grove. A similar condition prevails above the mouth of Feather River and lower end of Sutter Basin.

If storage reservoirs of capacities equal to or even approximating those of the valley flood basins could be provided in the mountains at a cost not greater than the value of the basin lands which might thereby be relieved from similar duty, they would be well worth while. To make such storage reservoirs of effective assistance in controlling floods, however, it would be necessary to subordinate their use for storing water for irrigation, power development, or for improving low water navigable depth to that purpose, since an ample storage at the end of the rainy season is essential in the one case and a large storage capacity until such time as the possible occurrence of a flood has passed is essential in the other. The possibility of utilizing mountain reservoir storage in connection with a flood-control project will be discussed further on.

The subject of the maintenance of good navigable depths at low-water stages is intimately connected with the diversion of water from the river and its tributaries for irrigation purposes, and is one likely to require careful attention in the near future. Water for irrigation purposes stored in reservoirs during the rainy season is no drain on the navigability of the river and may even be an aid in reducing flood heights, but water diverted from the river at low stages, reducing the flow by the amount of the diversion, is a direct detriment.

The extensive irrigation works now in progress of construction in Glenn and Colusa Counties will require a much larger quantity of water than has heretofore been used. Other projects which are now under consideration and those which are likely to come up will create a demand which, if granted, will seriously affect the navigable depths, particularly above Colusa. The probable effect of the diversion at low-water stage of 1,000 second-feet of water above the mouth of Chico Creek, as computed by me, will be to decrease present depths, between that point and Colusa, from 0.3 foot to 1.5 feet, depending upon the characteristics of the section. The decrease in depth will be least at points where existing depths are least, but these points are now the critical ones, and a decrease of even 0.3 foot would be a serious matter and would require the construction of contraction works where, but for the diversion, they would not be necessary. Therefore, the storage of water on the Sacramento or its tributaries above Red Bluff, either by companies diverting water for irrigation purposes, or otherwise, so that the low-water flow may be increased, should be made a condition precedent to further diversion.

Such storage can be provided in Big Valley on Pitt River, and this same reservoir is the one best suited by location and capacity of any of the several possible storage sites to aid in flood control.

The following table, compiled by the engineers of the United States Geological Survey from their records of flood discharge, as published in the American Society of Civil Engineers paper, previously referred to, and extended to show in comparison the floods of January and February, 1909, shows in each case the peak flow, the greatest daily mean, and the greatest four-day mean flow at a station on each of the tributaries:

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TABLE 1.—*Comparison of the flood flow into the Sacramento Valley for March, 1907, and January, 1909.*

Streams and places.	Flow at crest (cubic feet per second).			Greatest daily mean flow.		Greatest 4-day mean.	
	March, 1907.	January, 1909.	February, 1909.	March, 1907.	January, 1909.	March, 1907.	January, 1909.
Sacramento at Red Bluff	204,000	[1] 205,000	250,000	[2] 192,000	175,000	152,000	129,000
Feather at Oroville	185,000	[1] 170,000	.....	[3] 130,000	130,000	97,300	112,000
Yuba at Smartsville	105,000	[1] 90,000	.....	[3] 100,000	85,000	68,000	68,000
Bear at Van Trent	30,000	[1] 40,000	.....	[3] 28,000	27,000	17,300	20,000
American at Fair Oaks	105,000	[1] 90,000	.....	[3] 100,000	85,000	74,600	75,000
Stony at Fruto	[4] 30,000	[4] 28,000	[4] 38,000	[5] 25,000	[4] 25,000	16,300	[4] 17,000
Cache at Yolo	19,500	17,500	25,000	[3] 19,000	17,000	13,200	12,000
Putah at Winters	35,000	32,400	34,000	[3] 25,000	29,000	15,000	18,000
Unmetered mountains and foothills	[6] 120,000	[6] 105,000	.....	[6] 100,000	[6] 85,000	76,000	[6] 76,000
Total flow into valley	834,000	778,000	.....	719,000	658,000	530,000	527,000

[1] Jan. 16.
[2] Mar. 20.
[3] Mar. 19.
[4] Estimate made from flow at Orland.
[5] Mar. 18.
[6] Estimated in comparison with run-off in 1907.

The volume of water which must be taken care of in the several natural divisions into which the river is divided will differ with every flood. Using the records of the floods of 1907 and 1909 as a basis and assuming an increase of 25,000 second-feet and 50,000 second-feet, respectively, to those records of the maximum flow of the Yuba and American Rivers, on account of observations under this office on the Yuba and on account of the similar character and greater extent of the American River drainage area, and making such allowance as seems proper for the volume of water absorbed by or stored in the channels, considering the length of time that the high rate of flow may be (in the light of the experience of 1907) sustained, the following has been assumed as the rate of flow for which channel capacity must be provided, viz:

	Second-feet.
Sacramento River below—	
Mouth of Stony Creek	260,000
Princeton	250,000
Feather River above Marysville	150,000
Yuba River above Marysville	120,000
Feather River below Marysville	240,000
Feather River at its mouth (including Bear River)	250,000
Sacramento River below mouth of Feather River	450,000
American River	120,000
Sacramento River below mouth of—	
American River	500,000
Cache Slough	600,000

Of the several engineers and engineering commissions which have reported on the flood-control problem, there has been a substantial agreement as to the necessary manner of treating that part of the river between Cache Slough, the outlet of Yolo Basin, and Collinsville, at the mouth of the river. In fact, there is no other reasonable solution than that the entire flood flow must be carried through this section.

There has been such a persistent popular impression among many people that a canal through the ridge separating Yolo Basin from Suisun Bay, north of Montezuma Hills, permitting a more direct discharge of the Yolo Basin waters, would be the simplest solution of the problem that a more complete detail survey of the route of such a canal than was before available has been made and a map and profile prepared. These show that a flood-relief canal from Yolo Basin to Suisun Bay via Denverton to be out of the question, as not only would it require the excavation of a cut with maximum depth of about 60 feet, but the distance to a free outlet in Suisun Bay would be actually greater than via Rio Vista and Collinsville. This scheme will be referred to again.

While the plan recommended by the Dabney Commission may have been best suited for floods of the magnitude assumed by it to be maximum, it becomes quite insufficient to deal with the problem which records subsequently made have shown to exist. The accompanying profile shows, besides several other lines, the proposed high-water surface of the river according to the proposed plan of the Dabney Com-

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mission. The annexed cross sections are typical ones of several different reaches of the river, and show, first, existing sections; second, the sections proposed by the Dabney project; third, the sections that would be required according to the plan of that commission enlarged to carry the flood of 1907.

Below the mouth of the Feather River the widths of channel would be approximately two and one-half times as great as estimated, but the extent to which existing widths would have to be increased would be from three and one-half to seven times as great as estimated. In those estimates it was assumed that two-thirds of the material would be removed by the agency of the current and one-third by mechanical means. It can not be hoped that these proportions could obtain with the much greater total volume of material which such an enlargement of the project would involve.

The impracticability, therefore, of enlarging on that plan to the extent that would be required on account of excessive quantities of material which would have to be handled, and the prohibitive cost of the same, and the value of land that would be sacrificed for the sake of reclaiming other lands less valuable, makes the adoption of the by-pass system, aided by storage of water in reservoirs, as far as practicable, the only alternative. Such a system is much better for navigation, since the low-water flow is confined to a channel commensurate with its volume.

The main principles which it has been assumed should govern in planning a by-pass system of flood control are—

First. That the largest practicable volume of water consistent with the maintaining of good navigable conditions and without raising levees to excessive and dangerous heights, should be forced through the main channels.

Second. That by-passes should occupy the troughs of the basins, and that the side levees for same occupying the highest available ground should be constructed, as far as practicable, from material excavated from within the by-pass.

Third. That the weirs over which water is diverted from the river to by-passes should be as long as is economically practicable, so that a high stage of water may be maintained in the river and so that the diversion of water may be effected in a thin layer and with as low a velocity as possible to avoid carrying into the by-passes a large amount of sediment from the river.

Fourth. That canals should be constructed to intercept the drainage from lands bordering the basins to reduce the volume of water which will have to be pumped from those lands adjoining the by-passes and river, which are too low to be drained naturally.

In fixing the flood planes or high-water grade lines noted on the profile as "adopted grade lines," in accordance with which the details of this flood-control project have been worked out, the elevations at several critical points were first fixed and then, by a careful study of slopes in connection with depths and cross sections, intermediate points were so established that the channel would carry the maximum volume of water without too violent a change in existing regimen.

The elevations of the high-water plane or "adopted grade line" at points where the slope changes and the distances and slopes between these points are as follows:

TABLE 2.

	High-water elevations.	Distance (miles).	Slopes in feet per mile.
Collinsville	7.0	15.9	0.503
Mouth of Cache Slough	15.0	18.3	[1] .464
		11.4	[2] .745
Head of Steamboat Slough	23.5	27.7	.415
Mouth of American River	35.0	19.5	.255
Mouth of Feather River	40.0	43.4	.322
		[3] 37.0	.379
Tisdale Weir	54.0	27.0	.564
1 mile above Colusa	69.2	12.6	1.33
Moultons Break	86.0	20.0	1.60
2½ miles below Jacinto	118.0	17.6	1.33
Chico Creek	141.54	.....	.....

[1] Via Old River. [2] Via Steamboat Slough. [3] With cut-offs.

With reference to the fixing of the elevation of the flood-flow grade line at Collinsville at so high an elevation as 7 feet, the following data are given. This elevation for mean tide was used by the Dabney commission with the explanation that it was probably

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too high for any but extraordinary conditions. Such extraordinary conditions actually existed during the time of the January, 1909, flood. The automatic registering gauges maintained by this office at Collinsville and at Benicia showed that during the period of one tidal cycle of 25 hours, i. e., from one lower low water to the following one, the mean height of tide at Collinsville was at elevation 7.2, with a maximum height of 9.7 feet. During the period of two tidal cycles, 50 hours, the mean height of tide was 6.9 feet. At Benicia the corresponding heignts were 6.5 feet and 6.1 feet, respectively. At San Francisco during the same 50-hour period the mean heigbt of tide was 0.9 foot above the mean of predicted heignts.

The following table shows approximately the present capacity of the river channel up to the high-water line of the floods of 1907 and 1909. This line, nowever, simply shows the height reached before the levees broke and is, of course, above tne present effective height of the levees. The table also shows the capacity to be given each section of the river under the project now proposed and the volume of water which it will be necessary to carry in the by-passes.

TABLE 3.

	Present capacity.	Capacity by proposed plan.	
		River channel.	By-pass.
Above Stony Creek	.....	250,000	.....
Stony Creek to Jacinto	.....	260,000	.....
Jacinto to Moultons Break	140,000	260,000	.....
Moulton Break to Cobbs Bend (above Colusa)	100,000	65,000	185,000
Cobbs Bend to Butte Slough	70,000	65,000	185,000
Butte Slough to Tisdale Weir	60,000	65,000	185,000
Tisdale Weir to Feather River	23,000	[1] 30,000	220,000
Feather River to Elkhorn Weir	62,000	50,000	400,000
Elkhorn Weir to American River	36,000	50,000	[2] 430,000
American River to Kripp Break	127,000	100,000	[3] 430,000
Kripp Break to head of Steamboat Slough	75,000	100,000	[3] 500,000
Steamboat Slough	[4] 34,000	46,000	500,000
Old River	[4] 49,000	54,000	
Cache Slough to Threemile Slough	[5] 300,000	.....	.....
Below Threemile Slough	[5] 200,000	600,000	.....

[1] 27,000 without cut-offs.
[2] Below Cache Creek.
[3] Below Putah Creek and Southern Pacific Ry.
[4] These capacities for Old River and Steamboat Slough assume a free outlet, which condition does not obtain after passage of first flood wave down the river, as the slope is flattened almost to nothing by back water from outlet of Yolo Basin.
[5] These figures represent approximate quantities of water flowing in these sections at crest of floods, but are much above their safe capacity, both on account of height and velocity. Safe present capacity below Threemile Slough is about 160,000 second-feet.

The main points to be discussed in connection with this flood-control project are:

(*a*) The enlargement of the river channel below the mouth of Cache Slough.

(*b*) The construction of a weir at Moultons Break of 185,000 second-feet capacity to divert water into Butte Basin; the raising and maintenance of Tisdale Weir with capacity of 35,000 second-feet to divert water into Sutter Basin; the construction of a weir at mouth of Feather River of 400,000 second-feet capacity to carry the Butte and Sutter Basin and the Feather River waters into Yolo Basin; and the construction of a weir of 70,000 second-feet capacity near Sacramento to carry the waters of the Sacramento and American Rivers, in excess of the channel capacity below, into Yolo Basin.

(*c*) The rectification, in several places, of the river channels.

(*d*) The raising of river levees, and in places the construction of new ones along established lines to the heights required by the adopted flood plane or high-water grade line.

(*e*) The construction of by-pass levees in Butte, Sutter, and Yolo Basins, with wing levees extending up the tributary streams.

(*f*) The possible diminution of flood channel capacity by means of storage reservoirs in mountains.

(*g*) Tributaries.

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(h) The construction of intercepting canals to carry as much as possible of the drainage naturally tributary to the flood basins to gravity outlets, and the drainage of the lower parts of these basins outside of limits of by-passes.

(i) The raising of several bridges and construction of others, both railway and highway, in consequence of raising the flood plane.

The accompanying maps and profiles show in a general way the locations and dimensions of the several features of the project. Many of these are shown more in detail on larger-scale maps on file in the office. These several features will be discussed separately in the order named.

(A) ENLARGEMENT OF RIVER CHANNEL BELOW MOUTH OF CACHE SLOUGH.

The situation below mouth of Cache Slough is such that not only does it need correction on account of the flood hazard to the lands in the vicinity under present conditions, but any project for confining floods to channels (river and by-pass) is dependent on there being first provided an outlet for the waters which will then reach this point in greater volume than before. The present flood capacity of the channel below Threemile Slough up to the adopted grade line is only about 160,000 second-feet, and above Threemile Slough is does not exceed 220,000 second-feet.

In determining the size of channel necessary to give the required capacity of 600,000 second-feet a depth of 35 feet at flood stage was adopted after careful consideration of the relation of depth to total area of section, to area of dredged section, to velocity of current, and to the effect on maintaining low-water navigation. The corresponding necessary width (at surface), taking the slope due to the cut-off north of Horseshoe Bend above Tolands Landing, is 3,050 feet where the river is confined to one channel, and it is 2,600 feet in the cut-off mentioned, leaving present channel via Horseshoe Bend to carry its proportion of the flow.

Some of the land which it will be necessary to acquire for this work is now reclaimed. The point where the channel is now most contracted is at Bakers Point on Sherman Island, opposite Tolands Landing. Here it will be necessary to set the levee back about 2,500 feet. The quantities of material to be moved for channel enlargement and for levee construction and the area of land required for channel and for spoil banks will be found under the head of estimates.

Considerable relief from flood conditions will be afforded by the simple setting back of levees and the removal of remnants of old levees and fringe of trees and brush, which prevent the free movement of water across the swampy land north of Horseshoe Bend just above Tolands Landing. By this means alone the flood capacity will be increased to about 250,000 second-feet.

So extensive an increase in the width of the channel to give it the required flood-carrying capacity will probably result in a detriment to low-water navigation or will require increased expenditures to maintain good navigable channel at low water. How this may best be done will require special study. The widening of the river from its mouth to Cache Slough will help to increase tidal flow, which will be an advantage.

In comparison with the estimate of cost of enlarging this section of the river from the 250,000 second-feet capacity to 600,000 second-feet capacity, which, except in so far as it may be done by inducing channel scour, must be done by dredging, the quantities involved in making the Denverton Cut already referred to may well be presented here. To carry 350,000 second-feet through such a cut would require a free discharge into Suisun Bay. This might possibly be effected by a cut across Grizzly Island from near the lower end of Nurse Slough to the nearest point of the bay, but there is such a vast extent of very shoal water between this point and the nearest channel that it is thought that the maintenance of a clear outlet would be much less practicable than would be the case if Montezuma Slough, which in its lower course averages 600 feet wide and 35 feet deep, were enlarged to the requisite section.

Assuming the same adverse condition as to tidal height in Suisun Bay as in the case of the river channel, and a water surface elevation of 18 feet in Yolo Basin where he flow would diverge from that to the river, the mean slope would be 0.406 foot per mile. With a depth of water of 35 feet in a canal having side slopes of 1:1, the required width at bottom would be 2,020 feet. What seems to be the most favorable location for such a canal is shown on sheet No. 6 of the map. This sheet of the map and a profile of the line of the canal are on file in this office.

The estimated total quantity of excavation is 289,000,000 cubic yards, of which 17,000,000 cubic yards would be easy (presumably) dredging in Yolo Basin, and 100,000,000 cubic yards would be dredging in Suisun Marsh, for the most part easy work, but rock might be encountered near Potrero Hills. The remainder, 172,000,000

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cubic yards, would be in the cut through the saddle in the ridge. So far as could be learned from parties who had sunk wells along or near this line, no rock is likely to be encountered, but a considerable portion of the excavation would be in a hard formation, locally known as hardpan, which, together with the depth of the cut (60 feet maximum), would greatly increase the cost per cubic yard. These quantities are greatly in excess of those required to effect the same result in the main river channel. As the average unit cost will also be greater, it is unnecessary to give the proposition further consideration.

It may be shown also that the proposition to carry Putah Creek by canal along the edge of Yolo Basin and thence across the divide to Suisun Bay is not economical. As an outlet for small canals to intercept the drainage, above an elevation of about 35 feet from the area south of that tributary to Putah Creek, this location has some merit, but that is a matter for the consideration of the owners of the land lying below an elevation that can be drained into the river after the flood has passed and from which the water must be pumped for complete reclamation.

(B) THE CONSTRUCTION OF DIVERTING WEIRS.

This subject is taken up next because provision for relieving the river channels of water in excess of their capacities must be made before all the numerous breaks in the river levees can safely be closed and the extension of the levees made to the heights proposed. With the weirs constructed, Butte, Sutter, and Yolo Basins will continue to act as relief reservoirs and flood channels, as at present, until such action can be better regulated by the confinement of the water to the somewhat restricted areas forming the by-passes.

The question of proper location and crest elevation of the weirs has received a good deal of attention. As now proposed and shown on the maps and profile, the two principal weirs are at Moultons Break, on east side of river about 13 miles above Colusa, and on the south bank of the river opposite and extending upstream from the mouth of the Feather River. The former, which will be called Moulton Weir, is designed to divert 185,000 second-feet. Its length is to be 2,840 feet and its sill will be at elevation 79 feet—7 feet below the adopted high-water grade line. The latter, which will be called the Fremont Weir, is designed to divert 400,000 second-feet. It is planned to be 8,000 feet long with its sill at elevation 30, or 10 feet below the adopted high-water grade line.

Moulton Weir is nearly opposite the point (Caldens or Comptons Landing) selected by the Dabney commission for the upper temporary diversion. The reason for locating it on the east side instead of the west will appear later in connection with the subject of location of by-passes. This point is as far downstream as it is practicable to bring the flood volume between the river levees even with the high-water grade line adopted.

By the adjustment of the grade line shown it will be possible to carry the water in the river without further diversion to Tisdale Weir, thus permitting the permanent cutting off of the outlet through Butte Slough.

Tisdale Weir, with a length of 1,140 feet and crest at elevation 42.3, is located about 7 miles below Grimes. It was built by the State a few years ago. To conform to this project its crest will be raised to elevation 50, or 4 feet below the adopted high-water grade line.

Between Fremont Weir and the mouth of American River the channel capacity of Sacramento River will be sufficient to carry the 50,000 second-feet, which is the excess of estimated flow reaching the mouth of Feather River over the capacity of the weir there.

The Elkhorn Weir, also built by the State, about 6 miles below the mouth of Feather River, will therefore be abandoned and closed.

For a distance of about 8 miles below the mouth of the American it might be practicable to enlarge the flood capacity of the river channel to carry the waters of the American in addition to those of the Sacramento not diverted at Fremont Weir. But it is thought that the interests of navigation, which are much greater below Sacramento than above, would be better served by limiting the flood capacity of this section to that of the channels below and permitting the construction of wharves and terminals on the west side of the river. This would be accomplished by constructing the Sacramento Weir at Brytes Bend, about 2½ miles above the mouth of the American River. Its proposed length is 1,667 feet and the elevation of its crest 30.6 feet, or 4.4 feet below the adopted high-water elevation at mouth of American River.

The length and depth of sill below flood height of water of each weir, as given above, are those necessary to pass the specified volume when the by-pass below is running to its full capacity, but as this condition will not be reached until there has been a flood into it at a mean rate as great as its capacity, sufficiently long for the by-pass

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channel to become filled, the same volume will in the meantime pass the weir at increased velocity and decreased depth. Thus, in the case of the Fremont Wier, if the assumed maximum rate of flow should be reached early in the flood, so that there would be free egress for the water from a temporarily raised crest on the sill of the weir, a depth of about 5.5 feet on the crest would give this discharge and the full depth of 10 feet would be needed only during the latter part of a long-sustained flood. By building suitable steel frames on the sill of the weir to support adjustable stop planks reaching up to within, say, 2 feet of the allowable flood height, the amount of water drawn off over the weir could be so regulated by these stop planks, removing one row at a time, as the volume of water increased, as to force the greatest possible flow down the river channel and hold the surface up to the established high-water mark much longer than would otherwise be the case. The necessity of removing all the stop planks would arise only at the times of the very exceptional floods, which are separated by intervals of several years.

The superstructure of the weirs may be so designed that the release of one stop plank will automatically release all, or any desired number, of the other planks in its row. The substructures will necessarily be founded on piles which will project so far above permanently wet ground that concrete piles should be used. Wooden ones would be too short lived. This construction will necessarily be expensive, and the designs will require much study.

(c) RECTIFICATION OF RIVER CHANNELS AND PROTECTION OF BANKS.

In the portion of the river between Colusa and the mouth of Feather River a number of cut-offs may be made with beneficial results both to navigation and to flood-carrying capacity. Between Sacramento and the mouth of Cache Slough there are a few places where the cross section must be increased by a slight widening, and the entrance to Steamboat Slough must be much enlarged to give the desired capacity as per Table No. 3.

Above Colusa, however, although the river is very crooked, the slopes are steep and any material cut-off of bends would increase them. The resulting increase of velocity would aggravate bank caving and cause even more rapid changes in the regimen of the stream than those which now make the maintenance of good navigable conditions difficult. Straightening the channel would doubtless momentarily increase its flood-carrying capacity, but the tendency of the river to readjust its bed to conform to its current would in a few years probably cause it to return to a condition no better able to carry a large flood volume, unless very extensive bank-protection works were maintained, than before.

Although the present commerce carried on the river is not sufficient of itself to warrant very extensive bank-protection works, there are several places where such protection works, in my opinion, would be abundantly justified by the combined benefit to navigation and to agricultural lands; to the latter both by reason of preventing further caving into the river of the adjacent land and by reason of increased flood-carrying capacity.

Four cut-offs in the extremely crooked portion of the river between Cranmore and the mouth of Feather River are proposed. Each of these will be considered by itself, but the combined effect of them all will be to shorten the channel 6.43 miles, to eliminate several very sharp turns, and to increase the flood-carrying capacity about 3,000 second-feet (from 27,000 to 30,000 second-feet). By reason of the shortening, the increased velocity, due to increased slope, will result in slightly decreased depths at low water, but not enough to have any serious effect on navigation, as exceptionally good depths exist here.

The banks along this part of the river are stable and would not be injuriously affected by the small increase in velocity.

At low water velocity would be increased from 2.32 to 2.44 feet per second, and at high water it would be increased from 3.3 to 3.6 feet per second, approximately.

Several data regarding the suggested cut-offs are shown in tabulated form below:

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TABLE 4.

	Location, cutting out—				
	Grays and Woods Bends.	Collins Eddy.	Ministerial Bend and Kirkville.	Race-track Bend.	Total.
Length of cut.....miles..	0.50	0.45	0.35	0.30	1.40
Distance, channel shortened.....do....	3.18	.57	1.48	1.20	6.43
Quantity of excavating.....cubic yards..	586,000	231,000	397,000	317,000	1,531,000
Amount of material to raise levees along present lines.....cubic yards..	757,000	162,500	243,500	202,800	1,365,800
Increase in flood-carrying capacity.....second-feet..	1,475	265	700	560	3,000
Per cent of reduction in required capacity, Sutter by-pass below Tisdale Weir.....	.68	.12	.32	.25	1.37
Possible decrease in acreage of by-pass, account cut-offs.....acres..	55	10	26	20	111

In each case the material excavated in making the cut-off channel will be more than sufficient to build the levees paralleling it on either side. It will be seen from the above table that in the case of Grays Bend the amount of excavation is actually less than that required to raise levees along present lines. In the cases of the other cut-offs the material that would be required to raise the existing levees is from 30 to 40 per cent less than that required to make the channel excavation. This difference would probably be largely offset, however, by the smaller unit cost of the cut-off channel excavations.

The decrease in area of land required for by-pass by reason of the cut-offs is less than that required to make the cut-offs, except in the case of the Grays Bend cut-off, and its present value per acre is also less.

Other points in favor of the cut-offs are the lessened cost of maintenance of levees, because of decreased length, and the improvement of navigation due to the elimination of four very bad bends and shortening the distance 6.43 miles.

Between Sacramento and the head of Steamboat Slough there are three points only where changes affecting the alignment of the river are proposed. In each case the levee at a bend of the river will be moved back for a length of about 1,800 feet, in two instances a maximum distance of 200 feet, and in the other 500 feet. At the upper end of Steamboat Slough it will be necessary to increase the space between levees from about 350 feet (the present width) to 650 feet, from the head to Sutter Slough, a distance of about 4½ miles.

(D) THE RIVER LEVEE SYSTEM.

Below Colusa no radical change in the location of the river levees is proposed except as noted under previous headings, viz: the Sherman Island levees at mouth of river and at Bakers Point opposite Tolands Landing; along upper course of Steamboat Slough, partly on Grand and partly on Sutter Island; at three points between the head of Steamboat Slough and mouth of Feather River; and at the points where cut-offs are proposed.

Between Colusa and the mouth of Chico Creek the present location of levees will generally be followed, making some changes as shown on accompanying map, and perhaps some others if a more minute study of the ground shows them to be feasible. It is not practicable to follow the windings of the channel for several reasons. In many places rapid cutting of banks is going on, with consequent frequent changes in location of the channel. This has resulted in the formation of many lakes and sloughs, to go around which has resulted in placing the levees, in some instances, more than 1½ miles apart. To have crossed the sloughs with levees would have been prohibitive in first cost and to maintain them would have been impracticable.

By following the higher ground, cutting across from bend to bend, a large area is left between the river and the levees. Excepting the lakes and former channels, the ground between levees is high and becomes unwatered promptly after the passage of a flood. Much of it is exceedingly fertile, and when cleared of the tropical jungle which naturally covers it, it becomes very valuable agricultural land.

Above Moulton Weir it will be necessary to keep a strip of land varying from a few hundred feet to one-half mile wide, adjoining the channel, clear of timber and brush to provide the necessary cross section for the flood discharge. Where the soil is suitable, which is generally the case except where gravel bars exist, such cleared strip

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would be available for agricultural purposes. The estimated cost of clearing this land should be sufficient to cover also the necessary easements to the property, since the owners' use of the land, in most cases, will not be curtailed and the clearing will be an actual benefit to them.

In general it is planned to give the levees a crown width of 10 feet, side slopes of 3 horizontal to 1 vertical, and a height 3 feet above high water. Below the mouth of Cache Slough, where the width of the river is so great that wave action will at times be serious, the height is made 5 feet above high water. On the upper river, where the levees are a long distance from the channel and separated from it by a growth of timber, so that only slack water reaches them, the section may be somewhat reduced.

(E) BY-PASSES.

The storage capacity of the several flood overflow basins up to the height reached by the water during the flood of 1907 and the flooded areas are approximately as follows:

	Acre-feet.	Acres.
Colusa Basin	880,000	93,000
Butte Basin	407,000	54,000
Sutter Basin	1,038,000	116,000
Yolo Basin	1,126,000	140,000
American Basin	571,000	70,000
Total	4,022,000	.....

Assuming a mean discharge of the river of 600,000 cubic feet per second, of which the river below Sacramento would carry, in its present condition, 80,000 second-feet, and that the discharge through Cache Slough would increase during the time this mean flow of 600,000 second-feet continued from nothing to 250,000, giving, when this discharge had been reached, a flow past Rio Vista and through Georgiana Slough equal to the capacity of these channels, the basin capacity would be filled at the mean rate of 475,000 second-feet. At this rate it would take four and one-fourth days to fill the five basins mentioned.

With the river channel capacity increased to the extent contemplated by this project, and with the lands in the basins reclaimed, leaving only sufficient areas for by-passes, the storage capacity of these would be exhausted much sooner, while, as has been shown, a mean flow at the rate mentioned may be expected for a period of four days. Therefore, by-passes of capacity sufficient to carry continuously the volumes specified in Table 3 must be provided. The possible effect of storage in these by-passes will be shown later.

Below the mouth of Feather River there is no choice as to location, which will be down the trough of Yolo Basin to its outlet through Cache Slough.

For location of by-pass to carry the water from the upper weir, Colusa Basin offers the advantage that the water would not have to be taken across the river, but could be turned directly into Yolo Basin. This would reduce the required capacity of the Fremont Weir about one-half. The disadvantages, however, outweigh the advantage. With the most favorable high-water grade line for the Colusa Basin by-pass, a cut through the ridge south of Knights Landing 1½ miles long and 4,900 feet wide with a maximum depth of 10 feet would be required. This would involve the excavation of about 6,000,000 cubic yards of material, the cost of which would be almost twice as much as for that portion of the Fremont Weir required to pass an equivalent volume of water.

The area of land required for the Colusa by-pass would be nearly 4,000 acres in excess of that for the Sutter-Butte Basin by-pass. This excess acreage would be land lying on the Knights Landing Ridge, which is of much greater value per acre than that in the basin bottoms. In addition to this, the Colusa Basin by-pass would require the maintenance of about 18 miles more levee than the other and would require the raising of one railroad bridge and the construction of another, longer than that crossing the proposed Sutter Basin by-pass. It would also cross a greater number of highways. The advantages which the Sutter Basin by-pass has over one in Colusa Basin more than compensate for the increased cost of weir sill and superstructure.

The grade line of high-water surface in by-passes has, as far as practicable, been fixed so that the depths of water along the levees should not exceed 18 feet.

The width of channel between levees, as shown on the map, varies from 1,900 feet to 4,100 feet in Butte and Sutter Basin by-pass, increasing to 5,500 feet just above junction with Feather River, and from 7,500 feet to 12,000 feet in Yolo Basin.

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Near the lower end of the Yolo Basin by-pass Cache Slough, through which the basin discharges its water into Sacramento River, increases in depth and cross section and becomes capable of carrying about 112,500 second-feet. It thus becomes possible to narrow the space between by-pass levees; but to carry the whole flow of 500,000 second-feet into the river, at the junction of Steamboat Slough and Old River, it would be necessary, as the levees approach each other, to increase the width of the deep channel (now averaging 45 feet deep below the adopted grade line) in the lower 3 miles of its course from its present width of about 500 feet to one of about 2,600 feet at its mouth. This would, however, involve more than 50,000,000 cubic yards of dredging. Some enlargement of Cache Slough at its lower end, as shown on map, even with by-pass outlet contracted only to the extent necessitated by the topography will be required.

The lines for the by-pass levees shown on map and the heights of water surface shown on profile are those required for the completed project. Construction to these lines need not necessarily be undertaken all at once, but may be made in connection with projects for reclaiming separate portions of the basins.

As planned and estimated for here, the levees would be constructed to a height of 6 feet in Yolo Basin and 5 feet in Sutter and Butte Basins above high-water mark, with 10 feet crest and side slopes of one vertical to three horizontal. This large section was assumed on account of the possible severe wave action and on account of the character of the material which in places will likely settle excessively.

It is planned to build the levees, as far as practicable, by dredging from a channel along the by-pass side of them, thus increasing the by-pass section and providing a good drainage canal for the lands within the by-pass. After the flood season has passed it should then be possible to use for agricultural purposes so much of the areas within the Yolo Basin by-pass as lie well above high-tide level, or, say, above elevation 10 feet; so much of Sutter Basin by-pass as lies above the water surface elevation of the Sacramento River at Fremont on, say, the 1st of June; and all of Butte Basin except Butte Slough and worthless land along the foot of Marysville Buttes. On the 1st of June, 1909, the water surface at Fremont was at elevation 26.8. In 1908 and 1910 it was much lower. This means that about 38,000 acres, or nearly 50 per cent of the total areas of the by-passes, would be available for agricultural use.

The area of land in each of the three basins that would be used for by-passes, including land occupied by levees, is approximately as follows:

	Acres.
Yolo Basin	56,545
Sutter Basin	13,970
Butte Basin	7,570
	78,085

and the capacities of these by-passes up to the allowed high-water mark would be for Yolo Basin 765,000 acre-feet and for Sutter and Butte Basins 277,000 acre-feet.

With the river levees intact and the stop planks in place on overflow weirs a very moderate flood would fill the river channel to its capacity and there would be a large flow into Sutter Basin by-pass at its lower end, filling it to the elevation of the crest of the Freemont Weir. This would greatly reduce the capacity of this by-pass for storage when an extreme flood occurs. Assuming, however, that the full by-pass storage capacity is available for receiving flood waters after the river channel has become filled and is carrying the estimated flow before a flood having a mean rate of 600,000 second-feet occurs, the following figures show the effect of the by-passes on the flow in the river below Cache Slough and the length of time which it will take the by-passes to fill:

First. With the river widened as planned but not depened:

	Second-feet.
Capacity of River below Rio Vista	250,000
Of this, Steamboat Slough and Old River contribute	100,000
Leaving for overflow from Yolo Basin through Cache Slough	150,000

While this outflow of 150,000 second-feet is being attained the actual outflow will increase from 0 to 150,000 second-feet and the mean rate of outflow will be not far from 75,000 second-feet. The mean rate of flow into Yolo, Sutter, and Butte Basins will be (600,000−100,000) 500,000 second-feet. The rate at which by-pass storage will then be filled equals (500,000−75,000) 425,000 second-feet. At this rate the 1,042,000 acre-feet capacity will be filled in 1.2 days. When this point is reached the outflow from the basin would be at the rate of 150,000 second-feet and the rate of increase of storage would be (500,000−150,000) 350,000 second-feet.

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The continuance of the flood at this rate for a longer time would, of course, raise the flood plane in Yolo Basin to a higher level than the assumed one, with consequent increase in capacity of about 1.8 hours flow per foot of height. Such an increase in height, resulting in increased slope on the lower river, would increase the discharge there, but at the expense of greater hazard to property on account of higher water and increased velocity.

Second. With the lower river increased in capacity to 600,000 second-feet it could carry off from Yolo Basin 500,000 second-feet. While this outflow is being attained the actual outflow will increase from 0 to 500,000 second-feet and the mean rate will be not far from 250,000 second-feet, and the rate at which by-pass storage will then be filled is (500,000−250,000) 250,000 second-feet. At this rate 1,042,000 acre-feet capacity will be filled in 2.1 days, after which the assumed rate of flow would cause no further increase in height.

(F) FEASIBILITY OF REDUCING FLOOD-CHANNEL DIMENSIONS BY STORAGE OF FLOOD WATER IN MOUNTAIN RESERVOIRS.

The United States Reclamation Service has made surveys of many reservoir sites in both the Sierras and the Coast Range. Advance sheets of the maps of several of these sites have been obtained by this office. The sites where the construction of reservoirs gave promise of some material relief to flood conditions in the valley were visited—those in the Coast Range by Capt. W. P. Stokey, Corps of Engineers, United States Army, and those in the Sierras by myself—to acquire information for use in making estimates of probable cost of such storage. In three instances surveys of dam sites were made, and in another the maps of surveys made for an electrical power development company were secured.

In the case of the Coast Range reservoirs, estimates of cost as favorable as possible to the project of utilizing them for flood control, compared with the saving which their use would make in reducing dimensions of by-passes, flood channels, and the several structures they will necessitate, show that it will not be economical to construct them for that purpose. Several of them will doubtless be used in the near future for storing water for irrigation and power development. A project is now on foot for utilizing Clear Lake for this purpose, and it calls for the use of so much water that the total flow into the lake will probably have to be stored to supply it. When carried out these works will have a slightly ameliorating effect on floods.

In the Sierras are three reservoir sites where either all or a very large part of the season's run-off from the tributary drainage areas may be stored at a cost per acre-foot less than at any of the Coast Range sites. None of these are in the region of greatest precipitation and most rapid run-off, but they are thought to be the most favorable for the purpose of any of the possible sites. Such large storage capacity as these reservoirs would afford would make it possible to store the water required for very extensive irrigation and power projects, and still leave room to hold all the run-off from the tributary area during a storm period such as that which caused the flood of 1907.

The following table gives data relative to the storage capacities of these reservoirs for two heights of dam in each case, also the effect which such storage would have in reducing the estimated necessary channel capacity:

TABLE 5.—*Reservoir data.*

	Reservoirs.					
	Big Valley, Pitt River.		Indian Valley, Indian Creek.		Big Meadows, North Fork, Feather River.	
Height of dam above low-water surface of river.....feet..	70	100	110	120	85	105
Area of reservoir.....acres..	50,800	72,300	12,200	12,600	22,000	24,750
Storage capacity.....acre-feet..	1,200,000	3,100,000	450,000	600,000	450,000	866,000
Tributary drainage area....square miles..	2,950		810		460	
Total run-off during February and March, 1907.....acre-feet..	659,000		304,000		[1] 172,500	
Total run-off during 4 days of greatest flow, March, 1907.....acre-feet..	195,000		77,400		[1] 44,000	
Mean flow during same 4-day period, cubic feet per second.....	24,600		9,750		[1] 5,520	

[1] These figures were obtained by using the run-off per square mile at Crescent Mills on Indian Creek. There was no gauging station on North Fork Feather River.

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EFFECT OF STORING THIS FLOOD DISCHARGE IN THE RESERVOIRS, IN DIMINISHING THE ESTIMATED REQUIRED CAPACITIES OF FLOOD CHANNELS.

	Per cent.	*Per cent.*	*Per cent.*
Above Moulton Weir	9.8	.....	.....
Butte and Sutter Basin by-pass above Tisdale Weir	13.3	.....	.....
Sutter Basin by-pass below Tisdale Weir	11.2	.....	.....
Yolo Basin by-pass	5.1	2.0	1.1
Below Cache Slough	4.1	1.6	.9
Feather River:			
Above Marysville	.....	6.5	3.7
Below Marysville	.....	3.9	2.2

It will be noticed that in each case the storage capacity of reservoir, with the lower dam, will be greatly in excess of the total run-off for the months of February and March, 1907. This capacity will be ample to completely control the flood flow from the drainage area above. In this connection it may be noted that the storage of the total run-off of Pitt River above the canyon at outlet of Big Valley for the months of February and March, 1907, would have provided water enough to increase the low-water flow 3,000 cubic feet per second for 100 days.

In the estimates on the cost of these storage reservoirs the ones depending on the lower dam are taken in each case. In the preceding table the height of dam above the low-water surface of the river is given, for the reason that the total height above a suitable foundation is not known, as will appear in the statements which follow.

Big Valley.—The elevation of this valley is about 4,200 feet above sea level. Within the area which would be overflowed is the town of Bieber. Lookout, a smaller town, is located on ground which would not be overflowed by a reservoir formed by a dam of the height now being considered. The land is of very varying character. Some portions near the river and tributary creek channels are rich agricultural lands. Other portions have an adobe soil, which in many places very thinly overlies the bedrock. From the number of vacant buildings and apparently abandoned ranches, these lands can not have been very productive. Railway lines projected through the valley, surveys for which are now being made, will increase the land values over those given in the following estimate.

The rock formation of the canyon where the several possible dam sites are located is of lava, varying in character from hard basalt or block lava, ranging in specific gravity from 2.65 to 2.80, to tufa, having a specific gravity of 2.1 or less and an absorption of 7½ per cent. Indications are favorable for a quarry producing rock suitable for concrete. The question of the suitability of the foundation for a dam 70 feet in height can be determined only after extensive test pits and core-drill holes have been sunk.

The estimated cost of dam is based on a gravity section having a maximum height of 90 feet. Rock capable of bearing the pressure may be found at a less depth than 20 feet, but the uncertainty as to the necessity of going to a great depth with a cut-off wall does not justify a decreased estimate of cost.

Estimate of cost, Big Valley Reservoir.

Land:		
10,000 acres, at $100	$1,000,000	
8,000 acres, at $50	400,000	
10,000 acres, at $20	200,000	
26,400 acres, at $5	132,000	
		$1,732,000
Ranch buildings		130,000
Town of Bieber, buildings and capitalization of income from destroyed businesses		400,000
Dam:		
26,000 cubic yards excavation, at $1	$26,000	
58,400 cubic yards concrete, at $12 [1]	700,800	
		726,800
Total		2,988,800

[1] Present freight rate on cement from San Francisco to Bieber is $24.75 per ton.

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This cost of the reservoir is believed to be under rather then over estimated. The lessening in cost of works for controlling floods, under the project here proposed, which this reservoir would effect is (referring to Table No. 5) approximately as follows:

Lands:		
13.3 per cent of 11,560 acres	1,540	
11.2 per cent of 9,190 acres	1,028	
5.1 per cent of 56,545 acres	2,882	
5.5 per cent [1] of 2,989 acres	164	
Total	5,614, at $25	$140,350
Excavation:		
5.5 per cent [1] of 144,452,000 cubic yards (7,950,000 cubic yards), at 5 cents		397,500
Structures:		
13.3 per cent of cost of Moulton Weir		37,800
5.1 per cent of cost of Fremont Weir		54,800
5 per cent [2] of cost of bridges over by-pass channels		98,700
		729,150

This estimate of the amount that cost of flood-control works would be lessened by reason of the great storage capacity of Big Valley Reservoir is less than 25 per cent of the estimated cost of the reservoir.

Indian Valley.—The elevation of this valley is about 3,500 feet above sea level. Within the area which would be overflowed are the small towns of Cresent Mills and Taylorsville. The reservoir would extend close to the limits of the considerably larger town of Greenville. The mine of the Crescent Mills Mining Co. has been closed down for several years awaiting cheaper power for pumping out its flooded workings. The filling of the reservoir would probably result in the impracticability of ever pumping out the mine. The valley is composed largely of good agricultural land now devoted quite extensively to dairying. The recent completion of the Western Pacific Railway has added to the value of the land.

The outcropping rock at the only feasible dam site on Indian Creek seems to be a hard, massive dioryte, but there is so great an accumulation of fragmentary rock, bowlder, and soil that the depth to a safe foundation is unknown. The estimated cost of dam is based on a gravity section having a maximum height of 130 feet, as the conformation of the sides of the canyon and the banks of the creek do not indicate bedrock within less than 20 feet of the low-water surface of the creek. Quite possibly it is much deeper.

Estimate of cost, Indian Valley Reservoir.

Land: 12,600 acres, at $50		$630,000
Buildings in towns of Crescent Mills and Taylorsville and on ranches; and capitalization of incomes from destroyed businesses		630,000
Mining property		100,000
Dam:		
28,000 cubic yards excavation, at 75 cents	$21,000	
105,600 cubic yards concrete,[3] at $9.50	1,003,200	
		1,024,200
Total		2,384,200

As the flood discharge which this reservoir would intercept is only about 40 per cent of that which Big Valley would intercept, while the cost of this reservoir is 80 per cent of the other, it is evident without further consideration that no saving in the cost of the project would result from the construction of this reservoir.

Big Meadows.—The elevation of Big Meadows is about 4,400 feet above sea level. A large portion of the reservoir site, including the dam site, is owned by the Great Western Power Co. The rock formation at the dam sites is practically the same as that at the Big Valley dam sites. Diamond drill holes show lava, varying in density and hardness from that of basalt to that of tufa for a depth of 100 feet or more. A dam here will evidently be very expensive. The power company is now making more thorough investigation as to the character of the foundation.

[1] The flow intercepted by the reservoir is 4.1 per cent of maximum below Cache Slough, but it would effect a diminution of 5.5 per cent of the required increase in dimensions of channel.
[2] Five per cent is approximate means of reduction in cost of bridges over the by-pass channels.
[3] Freight rate on cement from San Francisco to Crescent Mills is $13 per ton.

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Considering the facts that the flood discharge from Big Meadows was only about one-fourth, while the acreage required for a reservoir is about one-half as much as that for Big Valley; and that the present owners of the controlling interest in the lands will evidently use the site for a reservoir in connection with its power-development plants; it would be neither economical nor practicable for either the Federal or State Governments to construct a reservoir here for flood-controlling purposes.

As the storage of water for power purposes would result in increased summer flow with consequent benefit to navigation at low-water season, and would also relieve the flood situation to the extent already pointed out, some arrangement might be possible by which the constructors of the reservoir could be reimbursed for a part of the expense, provided the reservoir was so operated as to give a maximum benefit both to low water and to flood conditions.

A similar statement might be made concerning the use of Big Valley by either a private corporation or by the United States Reclamation Service.

(G) TRIBUTARIES.

Flood waters of all the tributary streams can be carried between levees raised to heights conforming with those adopted for the Sacramento with radical changes of alignment or location in a few places only. Each of the principal streams will be considered separately. With the levee system modified as here specified, it will be a matter of equal importance that the space between them, or the specified portion of this space, be kept cleared of trees and brush, which naturally grow in great luxuriance.

American River.—Adopted high-water plane at mouth is at elevation 35. The assumed high-water slope is 1.7 feet per mile from the mouth for 8¼ miles, or to elevation 49, then a slope of 2.64 feet per mile for 2.7 miles, or to elevation 55. At this point, 10.95 miles above the mouth, the high-water elevation is within the trough of the river's valley and marks the end of the south levee. The north levee strikes high ground 8½ miles above the mouth. The grades adopted by the city of Sacramento for top of levees at Twenty-third Street and at Elvas are 3 feet above the high-water plane here described. The grade of the Southern Pacific Railway track from Elvas nearly to Perkins is well above this plane. To pass the 120,000 second-feet assumed flood discharge requires that at and near the mouth the levees be not closer together than 2,000 feet and that this space be kept cleared. Approximately this same width should be kept clear for several miles up the river. A considerable portion of this area is now under cultivation. Waters recede from it rapidly after a flood. Reclamation projects now being carried on will doubtless necessitate very material changes in the lines for levees from those shown on accompanying maps.

Feather River.—The tentatively adopted high-water planes for this river are as follows:

	High-water elevation (feet).	Distance (miles).	Mean slope per mile (adjustments necessary).
Mouth	40.0	25.0	1.06
Cross section No. 3, 1 mile below Eliza Bend	66.5	4.7	1.9
Yuba City Bridge	75.5	24.9	.....
1 mile below head of Butte County Canal	128.0	8.9	2.1

These high-water elevations and slopes require changes in the levee sytemslow be the mouth of Bear River, substantially as shown on accompanying maps. It also involves a change in location of about 5 miles of the Knights Landing branch of the Southern Pacific Railway, which would then occupy the crest of the levee for most of that distance.

There is an extensive area east of the Feather River between the Bear and Yuba Rivers, in which are large lakes and swamp lands and of which we have not sufficient data to determine even approximately the proper locations of levees. This will not affect flood conditions on the Sacramento materially, and with provision made for carrying the Feather, Bear, and Yuba River waters to an outlet, there will be no serious problems involved in the reclamation of this area.

The assumed high-water elevation for the junction of the Yuba and Feather Rivers is but one-half foot higher than that of the actual high water of January, 1909.

Above Marysville it is proposed to raise and strengthen the levees on the east side of the Feather to the mouth of Honcut Creek; thence up the south side of that creek

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to high ground. The west side levee will need be extended to and across Hamilton Slough, through which flood waters now escape from Feather River to Butte Basin. It is understood that arrangements have been made by a gold-dredging company to construct that part of this levee crossing the head of Hamilton Slough.

Bear River.—At mouth of Bear River the assumed high-water plane is at elevation 53 and rises on a slope of 1.06 feet per mile for 7 miles, at which distance the top of levees, 3 feet above this water plane, will strike surface of ground.

Yuba River.—The high-water plane at D Street Bridge, Marysville, has been assumed at elevation 75.5 (height of 25 feet on gauge at that point), rising on a mean slope of 5 feet per mile for 10 miles. Levees along existing lines, strengthened and raised in some places on south side to make them safe for this height of water, will confine the floods between them, with provision made for keeping a width of 2,000 feet clear of obstructions.

The training walls now being constructed under direction of the California Débris Commission downstream from Daguerre Point Cut will confine the river to a width of 2,000 feet, but it is impracticable to extend them, at this distance apart, to Marysville, as the only available material for building the levees will not stand the action of the current which such confinement of flood on this steep slope would produce. The flood waters should, however, be confined as far as possible to a single channel by clearing a strip of river bottom. This would induce scour, with resulting increase of channel capacity.

Chico Creek and Stony Creek.—These creeks enter the Sacramento at the upper limit of necessary regulating works. Levees along the south bank of each are proposed for a distance of about 2½ miles. High-water plane at mouth of Chico Creek is at elevation 142, and at mouth of Stony Creek it is at elevation 134.

Of the streams which do not enter the Sacramento directly but flow into the flood basin, those entering the American Basin, it is assumed, will be taken care of by land reclamation companies now organized, by diverting them into American or Bear Rivers, or both. Those of considerable size entering Butte and Yolo Basins will need be leveed on each side, connecting with the by-pass levees. Smaller streams entering these basins and all those entering Colusa Basin will be considered under the head of intercepting canals and basin drainage.

(H) DRAINAGE OF BASINS AND INTERCEPTING CANALS.

Besides the streams already described, which at normal stages discharge their waters into the Sacramento River and which upon the execution of a flood-control project will do so at all stages, there are several smaller streams that empty into the flood basins. The principal ones of these, viz, Dry Creek and Butte Creek, discharging into Butte Basin; and Cache, Putah, and Willow Creeks, discharging into Yolo Basin, will be carried directly into the by-passes; and levees connecting with those of the by-passes will be built along their banks to points where the adjoining land is above the flood plane.

There will still remain considerable areas the run-off from which will accumulate in the lower parts of the basins and in the pockets formed by the junction of main by-pass and branch creek levees. These areas are:

496 square miles tributary to Butte Basin.
382 square miles tributary to Sutter Basin.
612 square miles tributary to Yolo Basin.
1,700 square miles tributary to Colusa Basin.

In the case of Butte, Sutter, and Yolo Basins gates will be provided by means of which, after the passage of the floods, the accumulated water may be drained into the by-passes, leaving the more complete reclamation of the land, necessitating the installation of pumping plants, to the property owners. The run-off from about 250 square miles of the area tributary to Yolo Basin may be carried in an intercepting canal to a gravity outlet either in the Sacramento River above Rio Vista or through the Denverton Saddle to Denverton Slough and Suisun Bay.

The drainage of Colusa Basin presents greater difficulties. Using the recorded run-off from the adjacent and near-by drainage areas of Stony and Putah Creeks as a guide (the flow of Cache Creek is regulated to a large extent by the reservoir action of Clear Lake), the run-off into Colusa Basin during the flood of March, 1907, must have been approximately as follows:

Maximum daily run-off, 40 second-feet per square mile; greatest 4-day mean run-off, 22 second-feet per square mile; mean run-off for February and March, 5 second-feet per square mile.

With these rates of flow the greatest 4-day mean daily run-off from the 1,700 square miles area would alone amount to 299,000 acre-feet, or the capacity of the basin up to about the 33-foot contour, but the mean run-off for the 45 days of February and

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March preceding the 4-day period of greatest flow would amount to about 575,000 acre-feet. Therefore, at the end of the 4-day period the run-off into the basin would have amounted to 874,000 acre-feet, or the capacity of the basin up to the 40-foot contour. The proposed high-water plane of the river at Knights Landing, where Sycamore Slough, the natural outlet of Colusa Basin, enters the river, is at elevation 44.5 feet. During the summer of 1909 the river at this point did not drop to an elevation of 30 feet until the 12th of June. The drainage of the basin into the river would therefore be impracticable until late in the season. The only solution of the difficulty is a canal through the Knights Landing Ridge.

It is proposed to cut off Sycamore Slough from the river and to excavate a drainage canal following Cache Creek Slough from its junction with Sycamore Slough to the south about one-half mile, thence cutting directly across the ridge and following the lowest ground to the Yolo Basin by-pass. Such a canal would have a free outlet in the Yolo Basin by-pass, except when there is a considerable flow over the Fremont Weir. The flood plane of this by-pass at the point where the drainage canal would reach it is at elevation 34.5. It would, however, be at this elevation for a few days only. The canal would be about 7 miles long.

With the water in Colusa Basin up to the 30-foot contour and that in the Yolo by-pass at elevation 25, the hydraulic grade line of the canal would have a slope of 0.67 foot per mile. Excavated to a depth of 15 feet below this grade line, with a bottom width of 300 feet and side slopes of 1 to 1, it would have a capacity of 16,300 second-feet.

To keep the water surface in the trough of the basin at as low an elevation as a canal of these dimensions would make possible, Sycamore Slough would probably need be enlarged for about 2½ miles above the head of the canal. The canal would then take care of a uniformly distributed run-off of 5 second-feet per square mile of the drainage area without permitting the rise of water in the basin above the 28-foot contour so long as there was a free outlet into Yolo Basin by-pass.

But with the basin filled to the 28-foot contour, the occurrence of a discharge into it of 22 second-feet per square mile of drainage area for four days, at a time when the Yolo by-pass would be running full, or to such height as to shut off outflow from the basin, would cause a further rise of water surface of about 6 feet, and the total volume of water impounded would be about 375,000 acre feet. The drainage canal, of dimensions given, would, after the subsidence of the water in by-pass, lower the water to the 28-foot contour in about nine days and draw it practically all off in about nine days more.

In the more complete reclamation of Colusa Basin by property owners the inclosing of a considerable part of the lowest land by levees, say that within the 28-foot contour, would result in much less accumulation of water and much more rapid drainage of the other portions.

To construct the canal will require the excavation of about 6,700,000 cubic yards of material. The maximum depth of cut will be 25 feet, with 1 mile averaging 20 feet in depth and 6 miles averaging 15 feet in depth.

It would be possible to construct an intercepting canal carrying the discharge from 1,400 of the 1,700 square miles tributary to the basin and discharging into the Yolo Basin by-pass at flood stage through a cut across the Knights Landing Ridge with a maximum depth of 8 feet. The total length of the canal would be 63 miles. To carry the peak discharge in a section largely above the natural surface of the ground would involve the temporary flooding of a very large area of land well above the flood plane of the basin and to construct a canal of such capacity with only 20 per cent of its section in excavation would involve the excavation of 30,000,000 cubic yards. Any materially less capacity (such as that of the mean flow for two months) would require the spilling of such a quantity of water into the trough of the basin that the flood height reached there would not be reduced below that which we have seen might exist with a drainage canal as described. During normal winters such an intercepting canal would prevent any of the run-off from 1,400 square miles from reaching the trough of the basin, but the expense makes it impracticable.

(I) BRIDGES.

The execution of a flood-control project along the lines outlined above will necessitate the construction of a few bridges and the reconstruction of several others. These are as follows:

First. Southern Pacific Railway bridge across Yolo Basin between Sacramento and Davis. The aggregate length of existing trestles in the Yolo Basin crossing is 7,550 feet. The double-tracking of the road is now in progress. The estimate of cost of a bridge across the by-pass is for a double-track structure 9,500 feet long, with an 80-foot clear opening draw span at either end. Bottom chords of spans are to clear the

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assumed high-water elevation by 3 feet, which will involve raising tracks 12 feet above their present elevation and providing 3,000 feet of run-off at each end.

Second. Southern Pacific Railway bride across Sutter Basin. Existing trestle is 11,153 feet long. The estimated cost of reconstructing this bridge is for a single-track structure 3,400 feet long, with an 80-foot clear opening draw span at either end. Bottom chords of spans are to clear high-water plane by 3 feet, which will involve raising track 9 feet above its present elevation and raising the trestle approaches at either end to provide the necessary run-off.

Third. Southern Pacific Railway and highway bridge across Sacramento River at Knights Landing. This will have to be raised 7 feet, involving the raising of embankment approaches and incidentally raising sidings and buildings.

Fourth. Southern Pacific Railway bridge across Feather River between Marysville and Yuba City. This will have to be raised 6 feet and run-offs back of levees constructed at either end.

Fifth. Southern Pacific Railway bridge across Feather River, 1½ miles above preceding bridge. Measured along the railway track the distance between levees is here 11,000 feet. Besides the bridge across the river proper there is a long trestle approach and a second trestle across Simmerly Slough. On this main line the maximum grades are lighter than on the Knights Landing branch, on which are the three preceding bridges. Consequently the necessary length of run-off resulting from raising the track 6 feet between levees is greater than in those cases and involves several street changes in Marysville. This change of grade through Marysville has, however, already been practically effected by raising of tracks necessitated by increased height of the Marysville levee system. It is quite possible that one new bridge could be constructed to take the place of this and the preceding one at a decreased total expense, but this would involve so many features of uncertain cost that it has not been thought best to consider such a change in the estimates.

Sixth. Southern Pacific Railway bridge on Knights Landing branch, across the Colusa Basin drainage canal. This bridge will need be 375 feet long. The grade of the railway will need be raised 4 feet.

Seventh. Highway bridge near upper end of Grand Island. This will need be raised 3 feet.

Eighth. Highway bridge at Colusa. The bottom chord of this bridge is now 2 feet above the adopted high-water plane.

Ninth. Highway bridge at Butte City. This bridge will need be raised 7 feet.

Tenth and eleventh. Highway bridges across Sutter-Butte Basin by-pass. There are at present two timber trestles crossing Butte Slough (with truss spans over the channels), which will be made a part of the by-pass. These are on parallel roads about 3 miles apart. These will have to be reconstructed to an elevation about 6 feet higher than at present.

Twelfth. New highway bridge across Colusa Basin drainage canal, 375 feet long and 20 feet high.

In addition to the roads on which bridges have been enumerated above, there are roads crossing Sutter Basin which are used only during the late summer season after the flood water has drained off. No provision is made here for permanent structures crossing the by-passes at these places.

ESTIMATES.

Estimates of quantities and of cost of the several features of this project are taken up in the same order as were those features in the preceding description.

(A) ENLARGEMENT OF RIVER CHANNEL BELOW MOUTH OF CACHE SLOUGH.

	Acres.	
Land:		
For increased channel section	2,989	
For new levees and enlargement of existing ones	200	
Total	3,189, at $100	$318,900.00
Earthwork:		
Enlargement of existing and construction of new levees, 4,083,000 cubic yards, at 10 cents		408,300.00
Channel excavation in excess of material required for levees, 144,452,000 cubic yards, at 6 cents		8,667,120.00
		9,394,320.00

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(B) CONSTRUCTION OF WEIRS.

Weirs:		
Moulton Weir, 2,840 linear feet, at $100		$284,000.00
Tisdale Weir (reconstruction), 1,140 linear feet, at $80		91,200.00
Fremont Weir, 8,000 linear feet, at $125	$1,000,000	
Fremont Weir excavation—		
Removal of levee, 139,000 cubic yards, at 20 cents	27,800	
Material above sill of weir, 231,000 cubic yards, at 20 cents	46,200	
		1,074,000.00
Sacramento Weir, 1,667 linear feet, at $100	166,700	
Sacramento Weir excavation: Removal of levee, 8,300 cubic yards, at 20 cents	1,660	
		168,360.00
		1,617,560.00

(C) RECTIFICATION AND ENLARGEMENT OF RIVER CHANNELS.

	Acres.		
Lands:			
Steamboat Slough, for channel enlargement	198		
Between head of Steamboat Slough and mouth of Feather River	30		
Cut-off channel, cutting out Grays and Woods Bends	46		
3 cut-offs between Knights Landing and Cranmore	78		
Total	352,	at $200	$70,400.00
Earthwork:			
Excavation of cut-off (Grays and Woods Bends), 586,000 cubic yards, at 12½ cents			73,250.00
Excavation of 3 cut-offs between Knights Landing and Cranmore, 945,000 cubic yards, at 12½ cents			118,125.00
Clearing land for flood channel, 2,300 acres, at $25			57,500.00
			319,275.00

(b) THE SACRAMENTO RIVER LEVEES.

	Acres.		
Land:			
Steamboat Slough, for levee enlargement	9		
Old River	13		
Between head of Steamboat Slough and mouth of Feather River, for enlargement of old and construction of new levees	338		
Between mouths of Feather River and Chico Creek, including borrow ditches	2,950		
Total	3,310,	at $100	$331,000.00

	Cubic yards.		
Earthwork:			
Steamboat Slough, enlargement existing and construction of new levees	1,061,000		
Old River, enlargement of existing levees	288,000		
Between head of Steamboat Slough and mouth of Feather River, enlargement of existing and construction of new levees	5,738,000		
Total	7,087,000,	at 10 cents	708,700.00
Between mouths of Feather River and Stony Creek, enlargement of existing and construction of new levees, 22,756,000 cubic yards, at 15 cents			3,413,400.00
			4,453,100.00

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(e) BY-PASSES.

Land:	Acres.	
Yolo Basin	56,545	
Sutter Basin	13,970	
Butte Basin	7,570	
Sacramento Weir by-pass	340	
Tisdale Weir by-pass	230	
Total	78,65., at $25	$1,966,375.00
Clearing land along Butte Slough, between Butte and Sutter Basins, 2,900 acres, at $25		72,500.00
Earthwork:	Cubic yards.	
Yolo Basin levees	21,147,000	
Sutter Basin levees	22,606,000	
Butte Basin levees	5,760,000	
Sacramento Weir by-pass levees	523,000	
Tisdale Weir by-pass levees	1,122,000	
Total levees	51,158,000, at 6 cents	3,069,480.00
		5,108,355.00

(f) RESERVOIRS.

Not made a part of project.

(g) TRIBUTARIES.

Land:	Acres.	
For flood channel on lower Feather River	1,721	
For levees and borrow pits on—		
American River	328	
Feather River and Honcut Creek	1,463	
Bear River	222	
Yuba River	84	
Chico Creek	27	
Stony Creek	26	
Dry and Butte Creeks	597	
Area within levees (Cache Creek, Willow Slough, Putah Creek)	752	
Total	5,220, at $50	$261,000.00
Clearing lands in river bottoms, 12,000 acres, at $25		300,000.00
Earthwork:		
Levees on—	Cubic yards.	
American River	1,693,500	
Feather River and Honcut Creek	13,065,000	
Bear River, including connection with Feather River to northwest	1,751,000	
Yuba River	526,000	
Chico Creek	216,000	
Stony Creek	59,000	
Dry and Butte Creeks	2,724,000	
Cache Creek	539,000	
Willow Slough	1,352,000	
Putah Creek	647,000	
Total	22,572,500, at 15 cents	$3,385,875.00
		3,946,875.00

(H) COLUSA BASIN DRAINAGE CANAL.

Land, 630 acres, at $150	$94,500.00
Earthwork, 6,700,000 cubic yards excavation, at 12½ cents	837,500.00
	932,000.00

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(I) BRIDGE.

Double-track railway bridge across Yolo Basin by-pass		$1,588,775.00
Single-track railway bridge across Sutter Basin by-pass		368,321.00
Raising railway bridge across Sacramento River at Knights Landing		120,653.00
Raising railway bridge across Feather River between Marysville and Yuba City		69,692.00
Raising railway bridge across Feather River 1½ miles above preceding		140,000.00
Single-track railway bridge across Colusa Basin drainage canal near Knights Landing		53,000.00
Raising highway bridges at upper end of Grand Island, Colusa, and Butte City		30,000.00
Raising two highway bridges across Butte Slough		15,000.00
Highway bridge across Colusa Basin drainage canal		7,500.00
		2,392,941.00
Less portions of cost of bridges over by-passes properly chargeable to railway companies, viz:		
65 per cent of cost of Yolo by-pass bridge	$1,032,703.75	
50 per cent of cost of Sutter by-pass bridge	184,160.50	
		1,216,864.25
		1,176,076.75

SUMMARY.

(a) Enlargement of river channel below Cache Slough	$9,394,320.00
(b) Construction of weir	1,617,560.00
(c) Rectification and enlargement of river channels	319,275.00
(d) Sacramento River levees	4,453,100.00
(e) By-passes	5,108,355.00
(g) Tributaries	3,946,875.00
(h) Colusa Basin Drainage canal	932,000.00
(i) Bridges	1,176,076.75
	26,947,561.75
Add 15 per cent for contingencies and administration	4,042,134.26
Total	30,989,696.01
Less appropriations made by United States and State of California, the project for the expenditure of which may be made a part of this larger project	800,000.00
	30,189,696.01

Respectfully submitted.

H. H. WADSWORTH,
Assistant Engineer.

Capt. THOS. H. JACKSON,
Corps of Engineers, United States Army,
Secretary California Débris Commission.

EXHIBIT E.

REPORT CALIFORNIA DÉBRIS COMMISSION, 1913 (MODIFICATION OF MAJOR PROJECT).

[House Committee on Rivers and Harbors Document No. 5, Sixty-third Congress, first session.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 17, 1913.

SIR: 1. Referring to your letter dated December 6, 1912, inclosing a resolution of the Committee on Rivers and Harbors of the House of Representatives of December 2, 1912, requesting the Board of Engineers for Rivers and Harbors to examine and review its report of December 27, 1910, upon the navigation and flood control of the Sacramento and San Joaquin River systems, California, printed in House Document No.

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81, Sixty-second Congress, first session, and to report its subsequent information and conclusions thereon. I have to inclose herewith a copy of the report of the board dated June 17, 1913, in response thereto, accompanied by a copy of a report by the California Débris Commission, dated February 8, 1913, submitted at the request of the board.

2. The commission adheres in general to its original project, but submits a modified plan for the work to be done jointly by the United States and the State of California, at a total estimated cost of $12,517,008, of which it considers $800,000 has already been appropriated by the United States and the State of California, leaving $11,717,008 required for completion of the project. Under the plan of cooperation proposed, one-half of this sum, or $5,858,504, would still remain to be furnished by the General Government. The board reports that if Congress desires to participate in this work the plan of cooperation now proposed is equitable and advantageous to the United States, and recommends its adoption at an estimated cost of $5,860,000, on condition that the State of California contribute a like sum. I concur with the views of the board.

Very respectfully,

W. H. BIXBY.
Chief of Engineers, United States Army.

Hon. S. M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
United States House of Representatives.

WAR DEPARTMENT,
BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, D. C., June 17, 1913.

From: The senior member Board of Engineers for Rivers and Harbors.
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Sacramento River, Cal.

1. This report is submitted in compliance with the following resolution:

"*Resolved by the Committee on Rivers and Harbors of the House of Representatives, United States*, That the Board of Engineers for Rivers and Harbors created under section 3 of the river and harbor act approved June 13, 1902, be, and it is hereby, requested to examine and review its report of December 27, 1910, upon the navigation and flood control of the Sacramento and San Joaquin River systems, California, printed in House Document No. 81, Sixty-second Congress, first session, and to report its subsequent information and conclusions thereon."

2. In its former report on this matter, printed in House Document No. 81, to which attention is invited, the board called attention to the law under which the California Débris Commission submitted its report and reviewed briefly the project prepared by the commission for the control of floods, and expressed the opinion that the plan proposed was well adapted to accomplish the object intended, but that other projects had been reported upon purely for the improvement of navigation which were more economical, and that the larger plan was not, therefore, necessary in the interests of navigation.

3. The resolution was referred to the California Débris Commission, and the commission has made a supplemental report, which is transmitted herewith. While considerable changes have taken place in the Sacramento Valley since the commission's former report, these have not been of such a nature as to require any material change in the technical features of the plan of flood control proposed by the commission in its original report. Minor changes of detail in the execution of the work will adapt the plan to the present conditions. By act of the legislature approved December 24, 1911, the State of California has adopted the commission's plan for control of floods in the Sacramento River and its tributaries, and it has organized a State reclamation board with ample power to require conformity to this plan in future reclamation work.

4. There has been extensive development along the valley, as evidenced by the building of railway lines and the formation of reclamation districts. Much work that was included in the original plan for flood control has already been done by local interests. In view of the present situation, the commission is of the opinion that the following conclusions may be properly drawn:

"(1) That the land should and will stand a larger share in the total cost of the project than was originally proposed.

"(2) That private capital may be depended upon to carry out certain elements of the project under a general supervision only as to the location and capacity of the river and overflow channels to be provided.

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"(3) That the rate at which reclamation has proceeded in the last three years and the fact that such reclamation work is being designed and laid out to conform to the flood heights and general lines of the plan proposed by the commission, renders extremely urgent the work of increasing the channel capacity of the Sacramento River below the mouth of Cache Slough."

5. The commission's original recommendations were as follows:

"First. That the United States begin at once the work for the control of the floods of the Sacramento River in accordance with the above project and provide for its early completion.

"Second. That the United States contribute one-third of the cost of the work and the State of California contribute the remaining two-thirds.

"Third. That upon its completion the United States turn over to the State of California for maintenance all flood-control works."

6. The commission now recommends:

"First. That the United States begin at once the work for the control of floods, removal of débris, and improvement of navigation in the Sacramento River in accordance with the commission's report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, in so far as the same provides for the rectification and enlargement of river channels and the construction of weirs, and provide for the early completion of these features of the plan.

"Second. That the United States contribute one-half of the cost of the work indicated in the first recommendation and the State of California contribute a like amount.

"Third. That all land required for the work indicated be turned over free of cost to the United States.

"Fourth. That upon its completion the United States turn over to the State of California for maintenance all flood-control works."

7. The estimate for the work in which the commission recommends that the United States should participate on a 50 per cent basis is as follows:

(a) Enlargement of river channel below mouth of Cache Slough	$9,075,420
(b) Weirs	1,617,560
(c) Rectification and enlargement of river channels	191,375
	10,884,355
Add 15 per cent for contingencies and administration	1,632,653
	12,517,008
Less amount appropriated by the United States and the State of California under existing project	800,000
	11,717,008
Share each of United States and State of California	5,858,504

8. As the commission originally recommended an expenditure by the United States of $11,000,000, it will be noted that the division of cost now proposed reduces the amount to be appropriated by the United States by about $5,000,000. No estimate for maintenance is given, as all of the works covered by the estimate are flood-control works, and as such are to be maintained by the State of California after their completion.

9. The board has again very carefully considered this entire subject, and on May 26, 1913, held a hearing at which were present Hon. Julius Kahn, Hon. T. F. Curry, Hon. William Kent, Hon. J. E. Raker, and Hon. E. A. Hayes, Members of Congress, Mr. A. L. Shinn, and Mr. F. Freeman, who argued in favor of the improvement, laying stress, among other things, on the obligation of the Government to remedy conditions which it was claimed had largely resulted from the failure on the part of the United States to prevent hydraulic mining operations in the early days.

10. The subject matter covered by this report seems to be a special one pertaining wholly to the duties of the California Débris Commission as expressed in the organic act creating it, the commission stating that flood control was a distinct subject committed to its care, and that Congress has recognized the necessity for flood control in the Sacramento River work by an appropriation of $400,000 in the act of June 25, 1910. In this connection it seems proper to call attention to the growing demands on the part of the public for participation by the United States in works of flood control where these can be properly coordinated with the improvement necessary for commerce and navigation. In the case under consideration the execution of the plan proposed would greatly increase the productiveness and prosperity of the adjacent country and lead to a large increase of commerce on the Sacramento River and its tributaries. The board therefore reports that, if Congress desires to participate in

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this work, the plan of cooperation now proposed is equitable and advantageous to the United States, and recommends its adoption at an estimated cost of $5,860,000, on condition that the State of California contribute a like sum.

11. In compliance with law, the board reports that except as contemplated by the above recommendations there are no questions of terminal facilities, water power, or other subjects so related to the project proposed that they may be coordinated therewith to lessen the cost and compensate the Government for expenditures made in the interests of navigation.

For the board:

W. M. BLACK,
Colonel, Corps of Engineers,
Senior Member of the Board.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
San Francisco, Cal., February 8, 1913.

From: California Débris Commission.
To: The Chief of Engineers, United States Army, Washington, D. C.
Subject: Subsequent information bearing upon report of Board of Engineers of December 27, 1910, upon the navigation and flood control of the Sacramento River and San Joaquin River systems.

1. In compliance with the third indorsement, office of the Chief of Engineers, dated December 28, 1912, Engineer Department file No. 16121/462, the California Débris Commission submits the following report upon the present conditions in the Sacramento and adjacent San Joaquin Valleys and their relation to the plan of the commission, printed in House Document No. 81, Sixty-second Congress, first session, and the report of the Board of Engineers for Rivers and Harbors thereon.

2. Upon receipt of the instructions above referred to, notice was sent to all parties known to be interested in the matter and published in the local papers, requesting all such parties to submit to the commission their views in the matter. The commission also immediately undertook a general study of the conditions in the valley affecting the flood-control plan.

3. The responses received to the above-mentioned notice may be divided into two classes: (1) Those suggesting modification in the engineering features of the plan, affecting the location and capacity of the channels to be provided; and (2) those suggesting modification in the method of carrying out the work, affecting the nature and degree of participation of the Federal Government in the plan, and the estimated cost of the same.

4. As to the first class the commission has carefully considered the modifications suggested and is of the opinion that such of them as are practicable and advisable under present conditions can be effected under the terms of the original report, and that therefore no modifications in the engineering features of the original plan are at this time necessary. In this connection the commission has considered the suggestion contained in the original report of the Board of Engineers on the plan, "that further study should be given to the question whether it might not be preferable, even at increased cost, to keep the auxiliary channel wholly on the west side of the river, and thus lessen the risk of injury to the navigable channel where the two cross in the proposed plan." On this point, although it might be practicable, at a considerably increased cost, due to the reclaimed condition of Colusa Basin and the existence of a natural ridge between Colusa and Yolo Basins in the vicinity of Knights Landing, to carry the excess waters of the upper Sacramento River in a by-pass located entirely on the west side of the river, the commission finds that, with a capacity in the Sacramento River below the mouth of the Feather at limiting flood stages of less than 100,000 second-feet and an estimated flood discharge from the Feather River of 250,000 second-feet, it would still be necessary to spill the excess Feather water into Yolo Basin, which can best be done at the place indicated in the original plan. This is in fact nothing more nor less than now occurs, except that the excess waters will flow over an established weir instead of through scattered breaks in the banks and levees from Grays Bend to the Elkhorn district.

5. It seems proper here to remark that the plan of the commission for the control of floods in this valley has received the general approval of those familiar with conditions in these streams and a greater degree of consideration and support than any of the previous plans for the control of floods in this valley. The very existence of the plan has contributed in no small degree to the great development that has taken place in the valley in the last two years.

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By an act of the Legislature of the State of California, approved December 24, 1911, copy herewith, the plan of the commission has been adopted as the approved plan for control of floods in the Sacramento River and its tributaries. The board created by section 2 of the act above mentioned was appointed by the governor in April, 1912, and since that time has exercised its functions.

There are no engineers on the board, but it has referred all questions that have come up affecting the engineering features of the plan to both the State engineer and the commission and has acted in accordance with the recommendations received from these sources.

Through the powers exercised by the State reclamation board since its organization, it has been possible to so control reclamation work as to preserve the general lines of the plan. Certain reclamation districts, however, organized prior to the creation of the State board have encroached upon the by-pass areas, particularly in Yolo Basin, necessitating certain changes in the lines as originally laid down. Such necessary changes can be made under the terms of the original plan and the approval of the chief of engineers thereon.

6. As to second class of modifications suggested, those affecting the nature and degree of the participation of the Federal Government in the plan, and the estimated cost of the same, the commission finds such considerable changes in the conditions on which the original recommendations were based as to indicate the desirability of certain modifications in such features of the original report of the commission.

7. Since the commission's plans were prepared there has been a period of tremendous development in the Sacramento Valley and a general recovery from the disastrous effect of the floods of 1907 and 1909. As evidence of this development, the following eatures may be mentioned:

Railways.—The Sacramento Southern Railway has been built from Sacramento to Walnut Grove along the east bank of the Sacramento River.

The Oakland, Antioch & Eastern Railway (electric) is building from Oakland to Sacramento, crossing Yolo Basin in the vicinity of the Glide district, and expects to have trains running to Sacramento inside of six months.

The Vallejo Northern Railway (electric) is building from Vallejo to Sacramento, and expects to have trains running within a year.

The Sacramento & Woodland Railway (electric) has been built and is in operation between those places.

The Northern Electric Railway, which began operation in 1906, from Chico to Oroville, and came into Sacramento via Marysville the following year, has during the last year built a branch from Marysville to Meridian, on the Sacramento River, and will immediately extend this line to Colusa.

The Southern Pacific is building a branch from Harrington, on its line on the west side of the Sacramento River, across Colusa Basin to Grimes, Colusa, and Hamilton, all on the Sacramento River.

The Central California Traction Co. (electric) began operating between Sacramento and Stockton in the spring of 1911.

Reclamations.—The following new reclamations have been completed or are under construction:

	Acres.
Egbert tract (tide levee only)	7,000
Hastings tract (tide levee only)	7,388
Netherland Farms Co	26,000
West Sacramento district No. 900	10,236
Driver district	3,136
Elkhorn district	1,280
Natomas district 1000 and 1001	90,000
Addition to district 108	23,100
District 1002	7,200
Total	175,340

Plans are being prepared for the reclamation of some 50,000 acres in lower Sutter Basin and the remaining portion of Yolo Basin east of the by-pass. As a result of the completion of the several districts above noted, the by-pass levees in lower Sutter Basin and the east by-pass levee through Yolo Basin will be established.

In addition to the above, practically all of the old districts have raised and strengthened their levees, and in all work of this nature the levees and railroad grades are being carried to or above the grade proposed in the commission's plans.

Other features.—The city of Sacramento has voted bonds in the amount of $887,000 for the raising of its levee system and the construction of the weir near Brytes Bend contemplated in the commission's plans, about $500,000 to be devoted to the latter

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work. Options on the land required have been taken and plans for the work are being prepared.

District No. 108, which is extending its area so as to include practically all of the bottom of Colusa Basin, has sought to secure a right of way for a drainage canal through Knights Landing Ridge on the line indicated in the commission's plan, and has submitted plans for such a canal to the State reclamation board which have been approved.

The above-noted new construction of railroads and reclamations is shown on the accompanying map.

Levee work.—The estimates of the commission for the levee work along the Sacramento and Feather Rivers contemplated in the flood-control plan were based on surveys made in 1907, 1908, and 1909. Since these surveys were made so much work has been done on the river levees that the commission has, during the last summer, caused the levee rights to be checked, with the results given in the following table:

Statement showing length of levees required, constructed to grade, and partially constructed, Sacramento River flood-control project.

[Distances given, miles.]

	Levees in project.	Prior to 1910.		1912			
		Existing.	Built to grade.	Existing.	Built to grade.	New levee required.	Levee to be raised.
Sacramento River:							
Chico Landing to mouth of Feather	196.0	165.0	5.0	168.0	34.0	28.0	134.0
Mouth of Feather to Sacramento	40.0	28.0	.....	40.0	26.0	.....	14.0
Sacramento to Collinsville	105.0	97.0	50.0	97.0	81.0	8.0	16.0
Steamboat Slough	22.7	17.1	14.0	17.1	17.1	5.6	.....
Feather River:							
Oroville to Marysville	45.0	35.8	(1)	35.8	(1)	9.2	(1)
Marysville to Sacramento River	52.0	35.5	3.0	38.5	34.0	13.5	4.5
Bear River	10.4	6.5	.....	7.5	7.5	2.9	.....
Yuba River	4.8	4.8	(1)	4.8	(1)	.....	(1)
American River	18.0	2.0	2.0	18.0	18.0	.....	.....
	493.9	391.7	74.0	426.7	217.6	67.2	168.5

[1] Elevation of flood plane has not been determined on Feather River and Yuba River above Marysville.

From this table it appears that on the total length of 494 miles of levees contemplated in the flood-control plan there existed at the time the surveys on which the plan was based were made 391 miles of levee of some description, of which 74 miles were up to the grade contemplated in the plan. Since that time the total mileage of levees has become 427, an increase of 36 miles of new levee, and the mileage of levee completed to grade has become 218, an increase of 144 miles of completed levee, leaving to complete the project, so far as river levees are concerned, 67 miles of new levee to be constructed and 169 miles of old levee to be raised, the greater part of this work being on the upper Sacramento.

For reasons that will appear below it is not considered necessary in the present report to compute the effect of the above-noted levee work on the original estimates of the commission.

8. In view of the foregoing statement of the condition of development in the Sacramento Valley and the work already undertaken in furtherance of the plan and in view of the present tendency of capital to undertake large units of the work which by natural conditions are properly separable from the rest, and to carry them out in accordance with the lines laid down in the plan, such as the Natomas project between the Bear and American Rivers, and the district 108 project which will take care of Colusa Basin and the cut through Knights Landing Ridge, the commission is of the opinion that the following conclusions may be properly drawn:

1. That the land should and will stand a larger share in the total cost of the project than was originally proposed.

2. That private capital may be depended upon to carry out certain elements of the project under a general supervision only as to the location and capacity of the river and overflow channels to be provided.

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3. That the rate at which reclamation has proceeded in the last three years and the fact that such reclamation work is being designed and laid out to conform to the flood heights and general lines of the plan proposed by the commission, renders extremely urgent the work of increasing the channel capacity of the Sacramento River below the mouth of Cache Slough.

As explained in the original report, the various elements of the project should be brought to completion progressively upstream from the mouth of the river. To date a great amount of work has been done in Yolo, Colusa, Sutter, and American Basins, while no work has been done below the mouth of Cache Slough.

9. The final recommendations of the commission's original report were as follows:

"116. It is therefore recommended—

"First. That the United States begin at once the work for the control of the floods of the Sacramento River in accordance with the above project and provide for its early completion.

"Second. That the United States contribute one-third of the cost of work and the State of California contribute the remaining two-thirds.

"Third. That upon its completion the United States turn over to the State of California for maintenance all flood-control works."

The commission now recommends:

First. That the United States begin at once the work for the control of floods, removal of débris, and improvement of navigation in the Sacramento River in accordance with the commission's report submitted August 10, 1910, and printed in House Document No. 81, Sixty-second Congress, first session, in so far as the same provides for the rectification and enlargement of river channels and the construction of weirs, and provide for the early completion of these features of the plan.

Second. That the United States contribute one-half of the cost of the work indicated in the first recommendation and the State of California contribute a like amount.

Third. That all land required for the work indicated be turned over, free of cost, to the United States.

Fourth. That upon its completion the United States turn over to the State of California for maintenance all flood-control works.

10. The effect of the first recommendation will be to confine the expenditure of any Federal appropriations to one-half of the items (*a*), (*b*), and (*c*) of the estimate contained in the report of Mr. H. H. Wadsworth, appended to the report of the commission of August 10, 1910, and to materially reduce the expense of the project to the United States. Eliminating from the estimate the cost of the land and clearing, these items become:

(*a*) Enlargement of river channel below mouth of Cache Slough	$9,075,420
(*b*) Weirs	1,617,560
(*c*) Rectification and enlargement of river channels	191,375
	10,884,355
Add 15 per cent for contingencies and administration	1,632,653
	12,517,008
Less amount appropriated under existing project	800,000
	11,717,008
Share, each, of United States and State of California	5,858,504

The effect of the second recommendation will be to make the method of defraying the cost of this work conform to that which has heretofore been followed on all works undertaken by the commission in furtherance of the aims and purposes of the act of March 1, 1893.

The third recommendation is in accordance with the present policy of the department in the matter of lands required for river and harbor improvements, and the fourth is the same as the third of the original report.

11. In participating in certain features only of the plan as originally proposed, the Federal Government should not relinquish the control over the other features of the plan necessary to make its work effective. It is the opinion of the commission that the adoption by Congress of the original plan as modified by the present report would confer on the commission power to exercise such control over work done on other elements of the plan than those actually participated in by the Federal Government as would be necessary to prevent anything being done that would adversely affect the general lines of the plan, and particularly the limiting flood heights assumed.

12. It is thought that the Board of Engineers for Rivers and Harbors, in stating that the execution of the original plan was not necessary in the interests of navigation, meant to imply that a sufficient degree of navigability could be maintained at less

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cost. This commission knows of no way of maintaining navigability with certainty and permanence except under a plan which is part of a plan for flood and débris control, nor does it seem possible to estimate with certainty the cost of maintaining navigability apart from flood and débris control.

Should nothing be done to control floods, there is every probability that from time to time navigability will be temporarily destroyed.

To the cost of restoring navigability should then be added the damage done to navigation interests during the periods of nonnavigability.

The commission understands that the act creating the commission directed the preparation of a plan for flood and débris control. Congress in making the appropriation of $800,000 in the act of June 25, 1910, apparently realized that flood control was a necessity; that sooner or later works for flood control would be undertaken; and that any work done for the improvement or maintenance of navigability should be part of a plan intended to accomplish the three objects of flood control, débris control, and improvement of navigability.

We believe that the execution of the plan prepared by the commission, revised as described in this report, is necessary for the accomplishment of these three objects. The difficult question is what proportional part of the cost the United States should pay.

In making its present recommendations the commission has sought to eliminate from the project those features which are more intimately associated with reclamation and to confine the work of the Federal Government to the river channels and weirs, which features have a more direct bearing upon the navigability of the river.

13. As to the statement contained in the report of the Board of Engineers that "there is reason to apprehend greater difficulty in maintaining the low-water channel where the river is widened to increase its flood capacity, also where the by-passes leave the river, and, in general, where the flood heights are increased by reason of the works of flood control," the commission would invite attention to the fact that the proposed widening of the river channel is confined to the tidal portion of the river where the depths are determined by tidal levels rather than by the low-water discharge. The commission considers that the substitution of weirs for the breaks in the levees and banks by which the excess waters now reach the basins will limit the outflow into the basins to relatively high stages and in some seasons prevent it altogether, which should generally prolong the medium high stages of the river and cause less deposit of material in the river channels below the weirs than now occurs below the present outlets.

For this particular stream, in which the flood and low-water channels are generally coincident where navigation is important and for the proposed increase in the height of the flood plane, the commission does not share the apprehension expressed by the Board of Engineers for Rivers and Harbors that raising the flood plane will increase the difficulty of maintaining the low-water navigation channel.

Some work will doubtless be required to maintain the increased cross section of the channel required for flood discharge below the mouth of Cache Slough; but this does not form a part of the project, for reasons stated in the original report. There is good reason to expect that the increased tidal effect will materially assist in maintaining an ample estuary channel as it does in the lower reaches of the San Joaquin River.

THOS. H. REES,
Lieutenant Colonel, Corps of Engineers, United States Army,
President California Débris Commission.

The BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
United States Army.

GENTLEMEN: The flood-control committee of California that has for several years been cooperating with the California Débris Commission and with the State engineering department in the interests of navigation and reclamation in that State, respectfully submits the following suggestions and requests for your consideration:

In early years hydraulic mining precipitated vast quantities of débris into the Sacramento River and its tributaries, greatly impairing navigation in the main river and entirely filling the Feather River so that navigation became impossible.

The filling of the channels also increased the difficulty of controlling the floods, and in protecting adjacent lands from overflow.

In 1893 the Federal Government recognized some obligation on its part to restore the stream to the condition that existed before the havoc was done by the mining interests, which operated under the laws of the United States.

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In that year Congress passed an act known as the "Caminetti Act," creating the California Débris Commission, and declaring a purpose of dealing with the subject.

Appropriations were made from time to time for this object, and the State usually contributed an equal amount.

In 1907, pursuant to the directions of the "Caminetti Act," the California Débris Commission made a partial report, recommending the execution of part of the plan under its jurisdiction.

Congress and the State each appropriated $400,000 for this purpose, which sum has been used in part to construct two large dredges which have been completed and are ready to begin actual excavation at the mouth of the river.

In 1910 the débris commission made a more extended report, recommending a plan which is embodied in House Document No. 81, Sixty-second Congress, second session. This plan contemplated the construction of levees and acquisition of by-passes to carry the excess waters in addition to channel improvement.

When this report was presented to Congress in 1912, the Committee on Rivers and Harbors declined to recommend its adoption, because certain features of the plan were manifestly intended to promote reclamation of land. But the principal reason for the action of the committee was found in the report of the Board of Engineers for Rivers and Harbors, dated December 27, 1910, wherein it was said that "The execution of this project is not necessary, in the interests of navigation."

At the session of the legislature of 1913 an act was passed, known as Senate bill No. 1218, which was prepared under the direction of the flood control committee, and received unanimous support from the legislature as well as from the people whose lands are to be taxed for an enormous expenditure.

This act separates all of the plan which embraced the construction of levees and purchase of by-passes and rights of way, and provides to carry out all of the plan except channel rectification and enlargement and the construction of weirs to regulate the flow in the river, so as to encourage its scouring capacity and the consequent removal of the accumulated mining débris.

The California Débris Commission kindly assumed the burden of separating, as far as possible, the portions of the plan which related to reclamation and which did not relate directly to navigation, although it has always been understood that a complete separation of these elements is impossible.

The purchase of rights of way for channel enlargement and rectification by the drainage district, created by the act of 1913, clearly affects and assists navigation, and this burden is cast upon the district; there is no logical way to separate the two elements.

Channel enlargement, in the interests of navigation, also has a resultant influence on the flow of the streams, and, of course, benefits reclamation to some degree.

A supplemental report has been submitted to you by the California Débris Commission, embodying its conclusions, and rearranging the estimates upon a basis considered by it to be fair to the United States.

The estimate of cost by the report of 1910 was $33,000,000, one-third of which, or $11,000,000, was apportioned to the United States. The supplemental report segregates all except $12,517,000, from which is deducted $800,000 already appropriated, leaving $11,717,000 to be borne by the State and Federal Government, or $5,858,000 each. This leaves over $20,000,000 of the original estimates to be provided by taxing the land of private concerns which would be benefited by the work.

A considerable portion of these estimates have already been paid by the reclamation of large tracts at private expense, under the direction of the State reclamation board, which is in turn guided by the débris commission.

The purpose in appearing before this board, as a representative of the State of California, is to urge an approval of the supplemental report and a recommendation that will harmonize the work in the future, and secure from Congress such action as will clothe the California Débris Commission with jurisdiction over the entire subject.

In the past the State has carefully complied with the plan and recommendations of the débris commission, but it is doubtful if the commission has jurisdiction over subjects not closely connected with channel improvement and flood control as identified with navigation.

It is necessary that there should be a primary head to an enterprise as great as this. The State of California has recognized the débris commission as the proper governing influence, and has enacted laws to bind the State to follow on this theory. Congress, however, has not adopted the plan, or empowered the débris commission to execute it, except in part.

The supplemental report now before you strongly recommends a definite policy, as follows:

First. That the Federal Government should not relinquish control over the entire plan, for the reason that control is necessary to prevent anything being done in one

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part of the work that would affect the general plan, and particularly limiting flood heights.

Second. The adoption by Congress of the plan would confer on the commission power to exercise control over the work done on other elements of the plan than those participated in by the Federal Government. It also appears that the plan, as supplemented by the present report, is necessary in the interests of navigation, and apparently the best method of reasonable and permanent navigation.

It is upon these recommendations that the State of California requests specific, definite approval from this board, together with recommendations to Congress for such legislation as will fulfill the requirements for successful execution of the plan.

The necessity for congressional action is urgent and immediate.

Of course, one of the objects of the plan is the preservation of life and property, as well as the reclamation of a vast territory of rich land that must be dependent upon the execution of this plan for any kind of cultivation or profit.

There are about 400,000 acres in a comparative state of reclamation, but it will never be safe until the plan is executed. In 1907 millions of dollars' damage was done and nearly all of the reclamation districts were flooded. There are about 300,000 acres more in process of reclamation, because of the expectation that the plan will be carried out, but no one would expect these reclamations to be effective to any degree unless the plan should be executed.

It must be borne in mind that all of this reclamation is being made at private expense, and that all of the plan excepting the river-channel improvement and control is to be paid for by the owners of the land.

NAVIGATION.

The interests of navigation are very much involved in the carrying out of this plan. Among the special instances in which navigation is affected we can mention the following:

First. By maintaining a uniform flow of water in the river at its greatest capacity the débris now in the stream and that which will in due course find its way into the stream will be carried away by the scouring process and deepen the channel permanently.

Second. The erection of levees along the river by landowners will form part of the reclaiming works to effect a constant flow of water and improve navigation; and these levees should be standarized and controlled by the débris commission, to the end that the channel improvement and rectification will not be abortive or interrupted by breaks in levees.

Third. The by-passes which are to carry the excess water escaping at flood periods must be controlled so that the flood elevation in the by-passes will not exceed that in the river, and thereby endanger the restraining levees and rend er the weirs ineffective.

Fourth. The closing of Three Mile Slough and Georgiana Slough is necessary to preserve the navigability of the San Joaquin River. Recent observation shows that the channel is being filled with débris and that navigation is being rapidly impaired.

The growing industry of the Sacramento Valley, especially the hundreds of thousands of acres of new land that will be reduced to cultivation, is making it necessary to improve the channel and keep it in a permanently navigable condition, which can be done only by the execution of the general method recommended by the débris commission. Northern California is growing more rapidly in population and development than any other locality in the United States and needs better facilities for cheap and convenient transportation.

We desire a report from this board, if in harmony with its views, to the following effect:

First. That the execution of the plan as now presented by the débris commission is the most economical method by which permanent and practical navigation can be attained and preserved in the Sacramento and Feather Rivers.

Second. That Congress should enact legislation approving the plan and such modifications thereof as may hereafter be recommended by the proper engineering department of the United States and giving jurisdiction and control over the plan to the California Débris Commission.

Third. That the recommendations of the débris commission appertaining to the expense is fair and just to the United States.

Fourth. Recommending appropriations from time to time as the work progresses to meet the expenses in accord with the supplemental report of the débris commission.

Respectfully submitted.

FLOOD-CONTROL COMMITTEE OF CALIFORNIA.
V. S. MCCLATCHY, *President.*
A. E. ANDERSON.
A. L. SHINN, *Secretary.*

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EXHIBIT F.

Reclamation Board Act, State of California, as in Effect on and After August 8, 1915.

Explanation.—The original act creating the reclamation board was passed at the first extra session of the thirty-ninth legislature, which convened on November 27, 1911. That act was approved December 24, 1911, and went into effect March 24, 1912. It is found in chapter 25 at page 117 of the published statutes passed at the extra sessions of 1911, and is referred to herein as the "Act of 1911."

That act was amended and supplemented by an act approved May 26, 1913, which went into effect August 11, 1913, and is found in chapter 170 at page 252 of the published statutes of 1913, and is referred to herein as the "Act of 1913." By this amendatory act the Sacramento and San Joaquin Drainage District was created and the reclamation board increased from three to seven members and its powers greatly enlarged.

The original act of 1911, as amended and supplemented by the act of 1913 was further amended and supplemented by an act approved June 9, 1915, which went into effect August 8, 1915, and is found in chapter 686 at page 1338 of the published statutes of 1915, and is referred to herein as the "Act of 1915."

The amendatory act of 1915 provides that the whole act, as now amended, may be cited and referred to as the "Reclamation board act."

The titles in full of the acts of 1911, 1913, and 1915 are as follows:

Chapter 25, Statutes of 1911: An act approving the report of the California Débris Commission, transmitted to the Speaker of the House of Representatives by the Secretary of War on June twenty-seventh, nineteen hundred and eleven, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers.

Approved December 24, 1911.

Chapter 170, Statutes of 1913: An act to amend an act entitled "An act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Secretary of War on June twenty-seventh, nineteen hundred and eleven, directing the approval of plans of reclamation along the Sacramento River or its tributaries or upon the swamp lands adjacent to said river, directing the State engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission, and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December twenty-fourth, nineteen hundred and eleven; by amending sections one, three, and four of said act and adding sixteen new sections to said act, to be designated as sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, sixteen and one-half, seventeen, eighteen, and nineteen; creating a drainage district to be known as Sacramento and San Joaquin drainage district, appointing of a reclamation board, providing for the management and control of said district, and defining the powers and duties of the reclamation board and the State engineer, the acquisition of rights of way and property by said drainage district, the reclamation and protection of the lands therein which are subject to overflow from the Sacramento and San Joaquin Rivers and their tributaries and control of the floods thereof; the making of assessments; also defining the rights and powers of certain municipal corporations, levee, drainage, and protection districts therein, and making an appropriation to pay the expenses of the State engineer and the reclamation board; also providing for the approval and creation of plans of reclamation and the examination of the security afforded to bonds of reclamation and drainage districts and others; to prevent the diversion of the waters of any stream into the Sacramento and San Joaquin Rivers; to prevent the construction of and to require the removal or regulation of obstructions in streams, by-passes, and overflow channels; to repay money contributed for the purchase of rights of way for enlargement of the outlet of the Sacramento River, and making an appropriation for carrying out the purposes of this act.

Approved May 27, 1913.

Chapter 686, Statutes of 1915: An act to amend sections one, three, five, six, seven, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and one-half, seventeen, and eighteen of an act entitled "An act approving the report of the California Débris Commission transmitted to the Speaker of the House of Representatives by the Sec-

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retary of War on June twenty-seventh, nineteen hundred and eleven, directing the approval of plans of reclamation along the Sacramento River or its tributaries, or upon the swamp lands adjacent to said river, directing the State engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California Débris Commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers, approved December twenty-fourth, nineteen hundred and eleven, as amended by an act approved May twenty-sixth, nineteen hundred and thirteen, and to add twelve new sections to said act to be numbered twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one, relating to the orgianization, powers, and duties of said reclamation board, and creating a revolving fund and appropriating money therefor.

Approved, June 9, 1915. As in effect on and after August 8, 1915.

CALIFORNIA RECLAMATION BOARD ACT.

[As in effect on and after Aug. 8, 1915.]

SECTION 1. The report of the California Débris Commission transmitted to the Speaker of the House of Representatives of the United States by the Secretary of War on the twenty-seventh day of June, nineteen hundred and eleven, with such modifications and amendments and such additional plans as have been or may hereafter be adopted by the reclamation board, is hereby approved as a plan for controlling the flood waters of the Sacramento River and San Joaquin River and their tributaries, for the improvement and preservation of navigation and the reclamation and protection of the lands that are susceptible to overflow from said rivers and their tributaries. [Original section in act of 1911, as amended by acts of 1913 and 1915.]

SEC. 2. There is hereby created a board to be known as the reclamation board, consisting of three persons to be appointed by, and to hold office at the pleasure of, the governor. It shall be the duty of said reclamation board, and it is hereby empowered to pass upon and approve plans of reclamation that contemplate the construction of levees, embankments, or canals along or near the banks of the Sacramento River or its tributaries or connected therewith, or upon any land adjacent thereto or within any of the overflow basins thereof. Any original plan of reclamation hereafter adopted that includes or contemplates the construction of any levee, embankment, or canal along or near the banks of the Sacramento River or its tributaries or connected therewith, or upon any lands adjacent thereto or within any of the overflow basins thereof, must be approved by the reclamation board before such plan of reclamation shall have been adopted by the trustees of any reclamation, levee, protection, or drainage, district or by any person, corporation, or association. Any such plan of reclamation shall be void unless first approved by said board, and the construction of any levee, embankment, or canal at any of the places hereinbefore mentioned, without such approval, is hereby declared to be a public nuisance, and the reclamation board is hereby empowered to prosecute any suit or suits in the name of the people for the prevention or abatement of such nuisance. [Original section, act of 1911.]

SEC. 3. The State engineer is hereby directed to procure data and make surveys and examinations upon said rivers and tributaries and the adjacent overflow basins for the purpose of perfecting the plans contained in the report mentioned in section one of this act, and making additional plans for the San Joaquin and Sacramento rivers and their tributaries, and to make a report thereof to the reclamation board. He shall advise and assist the reclamation board, and shall be reimbursed by said board for any necessary expenses incurred by him under the directions of the board. He may at his option appoint the chief engineer of the reclamation board to act also as his assistant in the performance of the duties required of him by this section; in which case the compensation of said chief engineer while acting also as such assistant to the State engineer shall be apportioned as may be agreed upon between the reclamation board and the State engineer. All maps, records and engineering data prepared or obtained by the State engineer for the use of the reclamation board shall be deposited in the office of said board and remain part of its records. (Original section, act of 1911, as amended by acts of 1913 and 1915.)

SEC. 4. There is hereby created a drainage district to be known and designated as "Sacramento and San Joaquin drainage district," the boundaries of which said district are as follows: (Description by metes and bounds follows:)

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Said drainage district is hereby declared to be a body corporate and politic and shall have power to sue and to be sued; to acquire, own, hold, use, and enjoy for the purposes mentioned in this act, any and all properties herein mentioned, or necessary for the purposes of said district. [Section 4 of the original act of 1911 contained an appropriation and was amended by the act of 1913 to read as above.]

SEC. 5. The management and control of said drainage district shall be vested in the reclamation board which shall hereafter consist of seven members. The members of the present reclamation board shall be members of the board as hereby enlarged. The remaining members shall be appointed by the governor of the State within thirty days after this act shall take effect. All the members, whether herein named or appointed by the governor, shall hold office at the pleasure of the governor. In case of a vacancy, the same shall be filled by the governor of the State. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 6. The reclamation board shall appoint a secretary, who may be a member of the board, and may appoint a general manager, a chief engineer, and an assistant secretary, and may employ an attorney for the board and such assistant engineers, consulting engineers, special attorneys, and other assistants, employees, and advisers as may appear necessary to said board and shall fix their compensation. The compensation of any attorney or engineer employed by the board may be fixed at a monthly rate of compensation, or fees for special services rendered, or both. The secretary, assistant secretary, general manager, chief engineer, and two assistant engineers, all consulting engineers, the attorney for the board, and all special attorneys employed by the board, and such employees as may be otherwise exempted by law, shall be exempt from the provisions of the civil-service laws of this State. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 7. The State of California and the people thereof are hereby declared to have a primary and supreme interest in having erected, maintained, and protected on the banks of the Sacramento and San Joaquin Rivers and their tributaries and the by-passes and overflow channels and basins mentioned herein, good and sufficient levees and embankments or other works of reclamation, adequately protecting the lands overflowed or subject to overflow by said streams, and confining the waters of said rivers, tributaries, by-passes, and overflow channels and basins within their respective channels and boundaries, and it shall be the duty of the reclamation board at all times to enforce on behalf of the State of California and the people thereof the erection, maintenance, and protection of such levees, embankments, and channel rectification as will, in their judgment, best serve the interests of the State of California. The purposes and objects of this act are to carry into effect the plans of the California Débris Commission with such modifications and amendments and such additional plans as have been or may hereafter be adopted by the reclamation board for the control of the flood waters of the Sacramento and San Joaquin Rivers and their tributaries and said basins, and to vest in said reclamation board control and jurisdiction over said plans and such other plans as may be adopted by said board, excepting such portions of said plans as relate to channel excavation, enlargement, rectification and control in the Sacramento River and the construction of weirs; it being the intent of this act that all work and control in the said stream and the construction of weirs shall remain with the United States and the State of California, concurrently, but this exception does not apply to the San Joaquin River and its tributaries.

This act and every part thereof shall be liberally construed to promote its objects and to carry out its intents and purposes. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 8. It shall be unlawful for a member of the board to vote upon any contract or other matter in which he may have an interest or share, or for any employee of said board to receive directly or indirectly for his own use or benefit any portion or share of the money or other thing paid under any contract; but having an interest in lands within said drainage district shall not disqualify a member for voting to execute any part of said plans of flood control or carrying out the objects of this act.

SEC. 9. The reclamation board shall have its office at the city of Sacramento, which shall be the principal place of business and legal residence of said board and of the said Sacramento and San Joaquin Drainage District. The reclamation board shall elect one of its members as president, and may also elect another of its members as vice president who shall have the powers and perform the duties of the president during his absence or inability to act or at his request or when so authorized by the board. The regular meetings of said board shall be held at such times as shall be fixed by the board, and a majority of the board shall constitute a quorum, but no action of said board shall be effective unless the same shall be concurred in by a majority of the members thereof. Special meetings of the board may be called at any time by the president or by a majority of the members upon notice by mail or

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telegraph to each member at his place of residence or business, and there received at least twelve hours before the hour fixed for such meeting. Any other meeting of the board, at its office, when all of the members are present, shall be considered a legal meeting at which any business may be transacted. It shall be the duty of the reclamation board to keep full and correct minutes of all proceedings and transactions of all meetings of the board, which minutes shall be open for public inspection during office hours. Each member of the board shall receive the necessary expenses incurred by him in the performance of his duties, and $20 for each day attending the meetings of the board, but such per diem shall not exceed $1,000 in any one year. The reclamation board shall have a seal of such device as said board may adopt, and any seal heretofore adopted by the reclamation board shall be the seal of said board, and said seal shall also be the seal of the said Sacramento and San Joaquin Drainage District. A copy of any record of said board, when certified by its secretary or assistant secretary to be a true copy thereof, and attested by the seal of the board, shall be prima facie evidence of the existence and contents of such record. For making a copy of any record of said board to which any person may be entitled by law, or which may be made at the request of any person, the reclamation board may charge and collect the actual reasonable cost of making such copy, including the time of its employees and materials used, and $1 for the certificate thereto, if a certified copy be requested, and may require a deposit in advance sufficient to cover such charges. All money so collected shall be paid monthly to the State treasurer and be by him credited to the balance remaining unexpended of any appropriation or assessment available for the general administrative expenses of said board. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 10. Whenever so required and notified by the reclamation board it shall be the duty of the owner of and of the person or corporation maintaining or operating any railroad, electric railroad, wire line, wagon road, or other structure crossing any of the by-passes or overflow channels herein provided for, to provide and maintain one or more suitable draws or other appliances within any such by-passes or overflow channels to permit the passage of water craft, dredgers, or other machines used in the construction of reclamation works, and to open said draws or appliances upon reasonable notice given by any person desiring to pass the same and payment of a fee of $50. Said draws or appliances shall be located at such points as shall be designated by said board. A failure to comply with this section shall render such owner of or person or corporation maintaining or operating any of said structures liable to any person for the damages caused to such person by such failure. Compliance with the provisions of this section may be enforced by mandamus or by mandatory injunction, or by any other appropriate remedy authorized by law, in an action or proceeding brought by the reclamation board, which action or proceeding may be commenced and maintained by said board in the name of the people of the State of California. The remedies provided by this section shall not be exclusive of, but shall be concurrent with and in addition to any other remedy which may exist by law. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 11. Any plan of reclamation, flood control, drainage, or other improvement that includes or contemplates the construction, enlargement, revetment, or alteration of any levee, embankment, canal, or other excavation along or near the banks of the Sacramento or San Joaquin Rivers or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom, must, unless heretofore approved by the reclamation board, be approved by said board before construction of the same shall be commenced. Any such plan shall be void until approved by said board, and no such work shall be done or constructed without the permission of said board first obtained.

No river or by-pass levee at any of the places hereinbefore mentioned, nor any levee forming part of any of the plans of flood control adopted by this act or by said reclamation board, shall be cut or altered without permission of said board first obtained.

Notwithstanding any provision hereinbefore in this section contained, the owner of any existing levee at any of the places above mentioned shall have the right to raise, widen, or strengthen the same to such extent as such owner may desire: *Provided*, That before such work is commenced, the plans, specifications, and method of construction therefor shall be submitted to and approved by the reclamation board, and that the work shall be done subject to the supervision of said board, and that no claim shall ever be made against said reclamation board or said Sacramento and San Joaquin Drainage District for compensation, through or by any assessment or otherwise, for any part of such work which may be in excess of the requirements of the plan of flood control for that locality finally adopted and approved by said board: *And provided further*, That any such existing levee may be protected or strength-

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ened in case of emergency during the season of flood water, where it is in danger of injury or destruction therefrom: *Provided*, That notice of such work shall be immediately given to the reclamation board, and provided that all such emergency work shall be subject to the subsequent approval of the reclamation board, and that said board shall have power to require its removal or alteration if not so approved: *And provided further*, That no levee, embankment, or other structure within any by-pass or overflow channel adopted by said reclamation board shall be raised, widened, strengthened, or altered without permission of said reclamation board first obtained.

The construction, enlargement, revetment, or alteration of any levee, embankment, canal, or other work of reclamation, flood control, or drainage at any of the places hereinbefore mentioned, or the doing of any act or construction of any work in this section mentioned, or permitting the same to remain after such construction, which shall be done without the permission of the reclamation board and in violation of any of the provisions of this section, is hereby declared to be a public nuisance, and the reclamation board is hereby empowered to commence and maintain any suit or suits in the name of the people of the State of California for the prevention or abatement of such nuisance. Any person who shall do any act contrary to or in violation of any of the provisions of this section shall be guilty of a misdemeanor. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 12. The reclamation board shall have power to acquire either within or without the boundaries of the district by purchase, condemnation, or by other lawful means, in the name of the Sacramento and San Joaquin Drainage District, from private persons, corporations, reclamation, swamp land, levee, protection or drainage districts, or other organizations or associations, all lands, rights of way, easements property or material necessary or requisite for the purpose of by-passes, weirs, cuts, canals, sumps, levees, overflow channels, and basins, reservoirs, and other flood-control works, and other necessary purposes; to construct, clear, and maintain by-passes, levees, canals, sumps, overflow channels, and basins, reservoirs, and other flood-control works; to make contracts in the name of said district to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers by this act conferred, or arising out of the use, taking, or damage of any property for any of such purposes; to maintain actions in the name of the people of the State of California to restrain the doing of any act or thing that may be injurious to any of the works necessary to said plan of flood control or that may interfere with the successful execution of said plan or for damages for injury thereto, and any damages so recovered shall be deposited with the State treasurer to the credit of said district and shall be applicable to the payment of warrants against any assessment for the particular portion or project affected by such injury; to establish a standard of levee construction; to do any and all things necessary or incident to the powers hereby granted or to carry out the objects specified herein; to maintain actions in the name of the people of the State of California to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, or embankment or other structure which shall be intersected, traversed, or crossed by any by-pass, drainage canal, or overflow channel, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through any such by-pass, drainage canal, or overflow channel, and wherever necessary in the case of existing works, to compel the removal or alteration of any such embankment or other structure; to maintain actions in the name of the people of the State of California to restrain the diversion of the waters of any stream that will increase the flow of water in said Sacramento or San Joaquin Rivers or their tributaries, and such diversion of the waters of any stream into said rivers or either of them or any of their tributaries, is hereby declared to be a public nuisance which may be prevented or abated by the reclamation board. In case any land, right of way, or easement is or shall be needed for any work of channel excavation, enlargement, rectification, or control, or for the construction of any weir, which is a part of the plans to be carried out as contemplated by this act, and which is to be done or constructed in whole or in part by the United States, and it is or shall be necessary or be required by the United States, before doing such work or constructing such weir, that such land, right of way, or easement be conveyed to the United States free of cost, the reclamation board shall have power to acquire such land, right of way, or easement and cause the same to be conveyed to the United States free of cost, or to be condemned for the use of the United States in the manner provided by the laws of this State or of the United States, and to pay the cost and expense of acquiring such land, right of way, or easement out of the funds of any assessment by said board applicable thereto; or if such land, right of way, or easement is or shall have been already acquired by said reclamation board in the name of the Sacramento and San Joaquin Drainage District, the said board shall be and is authorized to cause the same

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to be conveyed by said district to the United States free of cost. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 13. Whenever in the opinion of the reclamation board it shall be necessary to levy an assessment upon any lands within said drainage district for any of the purposes herein specified, said board shall cause an assessment to be levied upon such lands within said drainage district for such purposes. The plans to be carried out shall be divided by said board into separate portions or projects in such manner as will in its judgment best facilitate the levying of assessments for each particular portion or project in a just and equitable manner according to benefits upon the lands in said district. Said board shall enter in the minutes of the board a resolution to the effect that the execution of each such separate portion or project which they may determine upon is a public necessity. Each such particular portion or project shall be designated by the board in such resolution by name and number. All assessments, plans, and funds intended for or connected with the execution of each particular portion or project shall be designated by such name and number and shall be kept separate and shall be used only for the purpose of carrying out such particular portion or project. For the purpose of making any such assessment the board shall appoint three assessors who shall be disinterested persons, and shall have no interest in any real estate within said drainage district, and each of whom, before entering upon his duties, shall make and subscribe an oath that he is not in any manner interested in any real estate within said district, directly or indirectly, and that he will perform the duties of an assessor to the best of his ability. Said assessors shall be exempt from the provisions of the civil-service laws of this State. Said assessors must assess upon the lands within said drainage district the said sums so levied by the board, and shall apportion the same according to the benefits that will accrue to each tract of land in said district, respectively, by reason of the expenditure of said sums of money. After said assessors have examined the plan or plans of the works contemplated and the estimates of the cost, they shall make a preliminary report to the reclamation board indicating the exterior boundaries of the lands that in their opinion will be benefited by the expenditures. The assessors shall then appoint a time and place in each county in which any of said lands are situated, when and where they will hear objections to the said report, and also evidence concerning the manner in which said assessment should be apportioned. They shall give notice of such hearing in each of such counties by publication in a newspaper published in such county once a week for three weeks, the first publication to be not later than the twenty-first day before the day of hearing, which notice shall contain a general designation of the lands which will in their opinion be so benefited, as aforesaid, and shall refer to said preliminary report on file in the office of the reclamation board for such exterior boundaries. They shall exclude any land that will not be benefited by the expenditure of said sums and shall assess all lands that will be benefited thereby.

Said assessors shall make a separate list of the lands so assessed in each county, which list shall contain a description of the tracts of land assessed by swamp land surveys, legal subdivisions, or other boundaries or references sufficient to identify the same, the name of the owner, if known, or if unknown, that fact, and the amount of the charge assessed against each tract. The name of the owner of land which is or is supposed to be property of the estate of a deceased person in course of administration may be stated as estate of (such person, naming him), deceased. When there are two or more owners or supposed owners of any tract of land, partly known and partly unknown, the assessment may be to such known owner or owners by name and to other owners unknown. No mistake in the name of the owner, or supposed owner, of any real estate shall invalidate the assessment. In the assessment list for any county the assessors may make use of any abbreviation in common use in that county, without explanation thereof. The assessors may also in the assessment list for any county make use of other abbreviations, provided a schedule and explanation thereof with reasonable certainty shall, unless printed on each page of such assessment list, be prefixed to said assessment list and a reference thereto written, printed or stamped on each page of said assessment list whereon any such abbreviation is used. In case any land shall in the assessment list for any county be described in whole or in part by reference to a map, plat, or survey, which map, plat, or survey shall be on file or of record in any public office, it shall be sufficient in such description to designate such map, plat, or survey by name, number, or other designation sufficient to identify the same in a schedule of such maps, plats, and surveys, which schedule shall be prefixed to said assessment list and shall set forth with reasonable certainty where each such map, plat, or survey may be found, and shall be referred to by a reference written, printed, or stamped on each page of said assessment list whereon such method of description is relied upon. The assessors appointed for any assessment may also prepare or cause to be prepared a map or maps of the whole or any part or parts of the lands to be assessed with sufficient detail to

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indicate thereon and identify the several tracts of land to be separately assessed or any of them, each of which such separate tracts shall be designated on such map or maps by a distinctive number. Each of such maps shall be inscribed and designated as "Reclamation board assessment map No. —," giving each map a distinctive number. Any such map may consist of any number of sheets attached together and designated as one map. Such map or maps when approved by the reclamation board shall be certified by the secretary of said board as having been so approved, and shall be filed for record in the office of the county recorder of the county wherein the land indicated on such map or maps is situated. Thereupon and thereafter, for the purpose of said assessment, or of any future assessment levied by said reclamation board, the assessment list for any county may, for the description of any tract of land so indicated on any such map, refer to such map and to the number by which such tract is designated on such map, and such reference, if used for that purpose, shall be a sufficient description of such tract for the purposes of such assessment list, and for the purposes of the notice of delinquent sale, certificate of sale, and deed in pursuance of such sale, and all other proceedings under this act based upon such assessment. No provision of any other statute of this State relative to the filing or recording of maps in the office of the county recorder shall apply to the maps in this section referred to: *Provided, however*, That the maps herein referred to shall have no legal effect for any purpose except for the convenient reference to and description of the tracts of land indicated thereon for the purposes of description of such tracts of land by reference thereto in the matter of assessments levied by the reclamation board and acts and proceedings based thereon as herein provided. No fee shall be charged by any such county recorder for the filing for record of such map as in this section provided.

Said lists when completed shall be filed with the secretary of the board and said secretary shall forward to the county treasurer of each county in which any lands so assessed are situated the assessment list for such county, and the same shall be open for inspection by the public for at least thirty days. The compensation of said assessors shall be fixed and allowed by the board. The reclamation board shall appoint a time and place not less than thirty days after said list has been filed with the county treasurer when and where it will meet in each county wherein any of the lands so assessed are situated for the purpose of hearing objections to said assessments, and notice of such hearing in each county shall be filed with the county treasurer and published once a week for two weeks in some newspaper published in such county. At any time before the date of such hearing any person interested in any land upon which any charge has been assessed may file in the office of the reclamation board written objections to such assessment stating the grounds of such objections, which said statement shall be verified by the affidavit of such person or some other person who is familiar with the facts. At such hearing the board shall hear such evidence as may be offered touching the correctness of such assessment or the manner of its apportionment, and may modify or amend the same, and may reapportion all or any part of the entire assessment. If said assessment shall be reapportioned, the board shall give two weeks' notice as before and proceed to hear objections in each county affected, as before, and shall then reconsider said assessment and make an order approving said assessment as finally fixed; and the decision of said board shall be final, and thereafter said assessment list shall be conclusive evidence, except in the suit hereinafter provided, that the said assessment has been levied and apportioned according to law. Any person interested, as aforesaid, in any land upon which any charge has been so assessed, aggrieved by the decision of the board approving said assessment, may commence an action against the district in the superior court of the county in which said land or the greater part thereof is situated, to have said assessment upon such land modified or annulled. Such action must be commenced within thirty days after the reclamation board has approved such assessment and the assessment list for such county has been deposited in the office of the county treasurer as provided in the next section, and shall have preference over all civil actions in fixing the time of trial. No objection to said assessment shall be considered by the court unless such objection shall have been made in writing to the reclamation board as hereinbefore prescribed, and, excepting in the action above mentioned, no action or defense shall ever be maintained attacking the said assessment in any respect. Whenever an assessment has been levied by the reclamation board upon lands in said district for general administrative expenses and other expenses not pertaining to any particular project, and the boundaries of said district have been or shall be extended so as to include lands other than the lands included within said district at the time such assessment was levied, the reclamation board shall make an estimate of the fair and equitable amount which should be contributed by the lands so included in the district by such change of boundaries for the purposes of such assessment previously levied by said board for

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general administrative expenses and other expenses not pertaining to any particular project, and shall levy and cause to be assessed, equalized, and collected in the manner in this act provided an assessment to the amount of such estimate upon lands so included in the district by such change of boundaries, according to benefits in the manner in this act provided. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 14. After such hearing has been had by the board in any county, said assessment list shall be certified by the secretary of the board to be correct, and said list shall be deposited in the office of the county treasurer of said county, and such assessment shall thereafter constitute a lien upon the lands so assessed and shall impart notice to all subsequent purchasers or incumbrancers or other person acquiring any interest in or lien upon said land, and all unpaid assessments shall bear interest at the rate of seven per centum per annum from the time when the assessment list is so deposited in the office of the county treasurer, and shall be paid to the county treasurer in one or more installments of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct; if any such installment shall remain unpaid at the expiration of thirty days from the date of the order, then said installment shall become delinquent, together with the accrued interest thereon to date of delinquency and ten per centum of the amount of said installment and interest, and the sum of 50 cents upon each tract of land separately assessed to cover cost of publication of notice of sale, shall be added thereto, and collected for the use of the district: *Provided*, That if an action is pending in any court to have the assessment on any tract of land reviewed, modified, or annulled as provided herein, such assessment, if not annulled in said action, may in the discretion of the board become delinquent thirty days after any judgment rendered therein shall become final. After the said installment has become delinquent, the board shall publish a notice at least once a week for three weeks in some newspaper of general circulation published in the county where the land is situated, which notice shall contain a description of the property assessed as described in the assessment list or by other description sufficient to identify the same, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount of the delinquent installment, the amount of the interest at the date of delinquency, the amount of the penalty and cost of publication that has been added as above provided, and notice that the property assessed will be sold on a date therein stated, in front of the courthouse of said county, to pay said installment with accrued interest and the penalty and cost of publication hereinbefore specified. At the time stated in said notice, or such other time to which said sale may have been postponed, the board must cause said property to be sold to the highest bidder for gold coin of the United States. If not completed on the first day the sale may be continued from day to day and over Sundays and legal holidays until completed. The sale may be conducted by such person as the board may appoint for that purpose, whether a licensed auctioneer or not, and no license shall be required of such person for conducting such sale. Out of the proceeds of said sale the board must pay the amount of said installment with accrued interest thereon and the penalty and cost of publication herein provided for to the county treasurer of such county, and the board must pay to the owner of said property any surplus remaining after such payment to the county treasurer. The board may postpone said sale from time to time by announcement at the time and place of sale and by a written notice posted at or near the place of sale, which written notice shall be substantially as follows:

The sale of property for delinquent assessments under (name and number of assessment) of the Sacramento and San Joaquin drainage district, which was fixed for (time and place of sale) has been postponed to (time to which postponed) at the same place. If no bid is made for said property equal to the amount of said installment, accrued interest, and penalty and cost of publication, the district shall become the purchaser, and the said property must be struck off to the district for the amount of said installment, accrued interest, and penalty and cost of publication. A certificate of such sale shall be executed by the president of the board to the purchaser, or to the district if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of the county in which the land is situated. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sum at the rate of ten per cent per annum from the date of said sale. If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by the president of said board. The effect of such deed shall be to convey said property free of all liens and incumbrances, excepting State, county, and municipal taxes, assessments levied or

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assessed by statutory authority, and the unpaid balance of the said or any assessment made by said drainage district, which said balance must be called in and collected in the same manner as other assessments: *Provided*, That where property shall have been so deeded to the district and shall not have been sold, the same shall not be offered for sale for subsequent installments of the said or any assessment so long as the district shall remain the owner of said property, but the board may sell said property at any time at public auction after notice given for the same period and in the same manner as herein provided for sale for delinquent installments, but not for a sum less than all delinquent unpaid installments of all assessments thereon, with accrued interest and penalties, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except State, county, and other municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of all assessments of said drainage district, which balance must be called in and collected in the same manner as other assessments. The remaining portion not yet ordered paid by said board of the assessment upon any tract of land may be voluntarily paid in full, with the accrued interest thereon, at any time after the lien of such assessment has accrued, and if the total amount of the whole of such assessment on any tract shall be paid in full within thirty days after the first installment of such assessment has been by said board ordered paid, no interest shall be charged. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 15. All money collected upon sales or otherwise shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other money collected by the county treasurer shall, within one month after its receipt by the county treasurer, be by him deposited in the State treasury to the credit of said drainage district in a fund which is hereby created and known as the Sacramento and San Joaquin Drainage District fund, specifying the name and number of the assessment from which such money was derived, and shall be paid out upon warrants of the State controller, and the controller is hereby directed to issue warrants upon said funds whenever drafts of the reclamation board shall be presented to him, and the State treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the funds of said drainage district: *Provided*, That all moneys collected from assessments shall be paid out only on warrants issued for works or other expenses covered by the assessment from which such money was derived, which assessments must be numbered consecutively, to the end that all moneys raised by assessment upon any of the lands embraced in said drainage district, shall be expended only for the works of reclamation or other expenses beneficial to the lands so assessed, and for the payment of warrants issued for the construction of the works and other expenses for which such assessment was levied, and each warrant must designate the name and number of the assessment from which it is to be paid. Drafts of the reclamation board may be presented to the controller and warrants drawn, as aforesaid, against the funds to be raised by an assessment as soon as the reclamation board has passed its order or resolution for the levy of such assessment and appointed the assessors therefor. In case there are not sufficient funds applicable thereto for the payment of such warrants when presented to the State treasurer he shall indorse on such warrants the date of presentation and register the same, and thereafter such warrants shall bear interest at the rate of seven per centum per annum, and must be paid in the order of their registration. Such warrants shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be four years from the date of their issuance or renewal as hereinafter provided. Said warrants shall, at any time within four years after their issuance or renewal, be received in payment of any assessment for work or expenses for which such warrants were issued. The reclamation board may, at its option, at any time within four years after the date or previous renewal thereof, renew any warrant for an additional period of four years upon application of the owner or holder of such warrant, by an indorsement thereon of the fact and date of such renewal and notice thereof to the State treasurer and controller. Whenever there is sufficient money in the treasury applicable to the payment of any outstanding warrants of the district, the State treasurer shall give notice that there is money in the treasury to pay certain warrants, giving their numbers in the order of their registration; said notice shall be published for ten days in one newspaper published in the city of Stockton and one published in the city of Sacramento. After the last publication of said notice the warrants therein mentioned shall cease to bear interest.

The reclamation board shall designate a paper in each of said cities which shall be the official papers of said district for the purpose of such publication. Whenever in the opinion of the reclamation board it shall appear that the total amount of any assessment previously levied and assessed and which has become a lien upon lands

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in said drainage district will be greater than required for the purposes for which such assessment was levied, the reclamation board may by resolution entered in its minutes release the lien of and abandon such assessment as to any part thereof not required as aforesaid and not previously ordered to be paid; and a copy of such resolution, certified by the secretary of said board and attested with its seal, shall be deposited in the office of the country treasurer of each county wherein is situated any land affected by such assessment, and shall be by such county treasurer annexed to the assessment list of such assessment for that county; and in any such case, when any payment has been voluntarily made upon the part of such assessment upon any tract of land so abandoned and released the amount of such overpayment shall be repaid to the person by whom the same was paid, his heirs or assigns; and upon production of the county treasurer's receipt therefor and indorsement thereon by the reclamation board of the fact of such repayment, the reclamation board shall draw a draft on the State comptroller and the comptroller shall draw a warrant upon the State treasurer therefor, and the State treasurer shall pay such warrant in the same manner as other warrants against the funds of such assessment. The reclamation board may also, in its discretion, abandon further proceedings under any assessment at any time prior to the time when the lien of such assessments has accrued. In case of any change of county boundary lines, or creation of any new county, all acts and proceedings in this act provided for in the matter of or relating to or in pursuance of or founded upon any assessment upon lands affected by such change of county boundary lines, or creation of such new county, shall be done and conducted as if such lands were situated in the same county as at the time of appointment of the assessors to make such assessment. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 16. In all cases in which an assessment shall be levied upon the lands embraced within said district, and if the assessment upon any tract or tracts of land shall have thereafter been adjudged invalid by any court of competent jurisdiction, or, if for any reason, such tract or tracts of land shall not have been legally charged with said assessment, then such tract or tracts of land shall be charged in any subsequent assessment with such proportion of the former assessment as the benefits derived by said land from the purposes for which said former assessment was levied bears to the whole amount of said former assessment; or a subsequent reassessment of such tract or tracts of land may be made separately for the purpose of charging said land with its proper proportion of the said assessment. [New section, added by act of 1913.]

SEC. 16½. One of the first projects to be considered by said board shall be that portion of the plans of the California Débris Commission relating to the Sacramento River and Cache Slough below the junction of Yolo Basin by-pass and Cache Slough, known as the project to enlarge the outlet of the Sacramento River. In the estimate of the sum necessary for the project last named, the board shall also ascertain the amount of any expenditures that have heretofore been made by the State of California, any municipal corporation, reclamation district, and by any owner of lands within said drainage district, or by any of them, for the purpose of purchasing rights of way for the enlargement of the outlet of the Sacramento River and actually applied to said purpose, which said sums so expended shall be legal claims against said district upon execution by the claimant of a quit-claim deed of rights of way to the district, and shall be paid from the moneys arising from the assessment for the project in this section first above mentioned. The governor is hereby authorized to execute such quit-claim deed on behalf of the State of California: *Provided, however*, That in cases where such rights of way or lands for use as such rights of way have already been conveyed to, or the title thereto has already been vested in, the United States for use in carrying out said project, the quit-claim deed from any claimant above referred to shall not be required. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 17. It shall be the duty of the reclamation board to promote the construction, completion, maintenance, and repair of levees along all rivers, streams, overflow channels, and basins and by-passes where, in the opinion of the board, such levees are insufficient or necessary for the purpose of the plans for flood control to be carried out by said board under this act. Whenever any such levee is in the opinion of said board insufficient or necessary for the purpose aforesaid, the reclamation board shall give notice, by publication in the manner hereinafter provided, that such levee is insufficient or necessary and that it is the intention of said board to construct, repair, or complete such levee and pay the cost thereof out of an assessment levied or to be levied and assessed upon the lands within said drainage district directly or indirectly benefited by such levee. Such notice shall be signed in the name of the reclamation board by its president and secretary and shall be published once a week for three weeks in some newspaper published in the county wherein such levee or the greater

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part thereof is situated or is to be constructed, and the giving of such notice by publication shall be deemed completed on the twenty-first day after the first publication thereof. Any land owner or owners, and any reclamation district, drainage district, levee district, municipal corporation, or other organization or association authorized by law to construct, repair, or complete such levee shall have thirty days after completion of the giving of such notice by publication as aforesaid within which to apply to said reclamation board for leave to construct, repair, or complete such levee, which application shall be in writing and signed by such applicants or their respective executors, administrators, guardians, trustees, or duly constituted and authorized officers, and filed in the office of the reclamation board; and in case such application be filed within thirty days, as aforesaid, such applicants shall have sixty days after the filing of such application, or such further time as said reclamation board may by order entered in its minutes allow, within which to present to said reclamation board their plans and specifications for the construction, repair, or completion of such levee, and obtain the approval by said board of such plans and specifications, and to commence the work. Each such application for leave to construct, repair, or complete such levee shall designate the name and post office address of at least one and not more than three of the applicants signing the same as the person or persons to whom any notice or communication may be addressed by the reclamation board in the matter of such application. In case there shall be two or more such applications filed in the office of the reclamation board within said period of thirty days last above mentioned, the reclamation board may determine which of such applications shall be recognized and may reject the others. Any such levee constructed or work done by such applicants as hereinbefore provided, pursuant to such notice from the reclamation board and according to plans and specifications approved by said board, shall be considred as constructed or done with the permission of said board within the meaning of section eighteen of this act. If such application shall not be filed in the office of said reclamation board for permission to do such work, as aforesaid, within thirty days after completion of the giving of such notice by publication, or if such applicants shall fail to present to said board and obtain its approval of such plans and specifications and to commence the work as aforesaid, within said period of sixty days or such further time as the board may allow, or shall fail to complete such work with reasonable diligence after the same shall have been so commenced, the reclamation board shall thereupon be and is hereby empowered to proceed with the construction, repair, or completion of such work and to pay the cost thereof by assessment upon the lands within said drainage district directly or indirectly benefited by such levee according to such benefits, as in this act provided, which assessment may be either an assessment specially levied and assessed for that purpose, or any assessment leved and assessed by said board and applicable to the payment of such work. Notwithstanding anything in this section provided, if in the opinion of the reclamation board a case of emergency exists requiring immediate action to preserve life or property or to protect or preserve the safety of any such levee along any river, stream, overflow channel, or basin, or by-pass, the reclamation board may cause the necessary work to be done immediately for the protection or preservation of such levee, without giving the notice hereinbefore provided, and may pay the cost thereof, and any damage that may have been done by the performance of such work, by an assessment to be levied and assessed as above provided, or out of the funds of any assessment available for that purpose under the provisions of this act. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 18. Notwithstanding any provision in this act, any reclamation district, levee district, drainage district, or municipal corporation, wholly or partly within the said Sacramento and San Joaquin Drainage District, now or hereafter existing, shall have the right, with the permission of the reclamation board, to acquire by grant or eminent domain or otherwise any right of way or other easement included in any of the plans for controlling the flood waters of the Sacramento and San Joaquin Rivers or their tributaries to be carried out by said reclamation board as in this act provided, which right of way or other easement is or shall be required by the plans of such reclamation, levee, or drainage district, or municipal corporation for the consummation of its purposes as authorized by law, and shall also have the right, with the permission of the reclamation board, to construct such levees, cuts, canals, or gates as may be required to complete any by-pass forming part of said plans to be carried out by said board as aforesaid, or to complete any part of any such by-pass which may in the judgment of said reclamation board be safely and economically constructed as a separate unit or portion thereof, and the title to any such right of way or other easement or levees, cuts, canals, or gates shall be conveyed to the said drainage district upon compensation being made at the actual reasonable cost thereof.

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If any reclamation district, levee district, drainage district, municipal corporation, private corporation, association, or person within said Sacramento and San Joaquin Drainage District, with the consent of the reclamation board, has provided or left, or shall hereafter provide or leave, any land for a by-pass or waterway storage basin or sump for the purpose of complying with the plans to be carried out by said board as aforesaid, or for carrying out in whole or in part any of the plans or works adopted by it, or shall hereafter, with the consent of the reclamation board, erect any levee or levees along said by-pass or waterway, storage basin, or sump, the said by-pass, waterway, storage basin, or sump and levees shall be considered as a part of the work to be done pursuant to the provisions of this act, and proper compensation shall be made for the right of way or easement through, over, and upon such by-pass, waterway, storage basin, or sump and for the actual reasonable cost of construction of said levees, cuts, canals, or gates. When such compensation shall have been made, such reclamation district, levee district, drainage district, municipal corporation, association, private corporation, or person shall convey to the said Sacramento and San Joaquin Drainage District a perpetual easement in, over, and upon said by-pass, storage basin, or sump and levees for all purposes necessary to accomplish the said plans to be carried out by said reclamation board as aforesaid.

In the event that any such reclamation district, levee district, drainage district, municipal corporation, private corporation, association, or person, shall, with the consent of the reclamation board, expend any sum of money in the acquisition of such right of way or other easement, or in the construction of such levees, cuts, canals, or gates, and shall convey the same to the Sacramento and San Joaquin Drainage District, or in the event that it, he or they has or have allowed, or shall allow, any land to be used for the purpose of a by-pass or waterway, storage basin or sump to comply with the plans to be carried out by said board as aforesaid, or shall, with the consent of said board, construct levees along any line of any such by-pass or storage basin, and shall convey a perpetual easement therein to said Sacramento and San Joaquin Drainage District, it, he or they shall have a claim against the said drainage district for the reasonable value or cost of such right of way or other easement or of such levees, cuts, canals or gates, and an assessment shall be levied upon the lands in said drainage district benefited thereby so that the same may be paid, or such cost may be included as one of the items in any assessment that may be levied in the said drainage district.

The words "with the permission of the reclamation board" or "with the consent of the reclamation board," as used in this section, shall be construed to mean and are hereby declared to mean the express permission or consent of said board in each particular case, evidenced by resolution or order entered in its minutes, and granted upon application of the particular district, corporation, association or person desiring to obtain benefit of the provisions of this section.

Before granting its permission for the acquiring of any right of way or easement or for the construction of any of the levees or other works in this section mentioned, the reclamation board may require the applicant for such permission to furnish and submit to said board complete and detailed plans and specifications therefor and estimates of the cost thereof, and said board may in its order granting such permission designate a maximum limit of the amount of compensation to be so allowed therefor.

In case the reclamation board shall determine that the ownership in fee of, instead of the right of way or easement over, any land required for use as a by-pass, or overflow channel or basin, or for any part of the works of flood control to be carried out by said board, is necessary, or that the absolute ownership by said Sacramento and San Joaquin Drainage District of any levees, cuts, canals, gates or other flood control works is necessary, for the purposes of said district, then said board may require that such title in fee and absolute ownership shall be conveyed to said Sacramento and San Joaquin Drainage District before any compensation shall be allowed therefor pursuant to any of the provisions of this section. [New section, added by act of 1913 and amended by act of 1915.]

SEC. 19. The sum of $100,000, in addition to the sums heretofore appropriated, is hereby appropriated for the use of the reclamation board, at least $20,000 of which shall be used by the board to pay the expenses of the State engineer in carrying out the directions of this act. The comptroller is hereby directed to draw warrants upon the State treasurer whenever drafts of the reclamation board are presented to him, and the treasurer is hereby directed to pay said comptroller's warrants. In the first assessment levied in said district the sum of $50,000 shall be levied, collected, and paid to the State treasurer as reimbursement of one-half of the above appropriation.

The State of California shall not be liable, directly or indirectly, for any obligation, claim, or liability of any kind or character, arising under or by reason of this act or any of the provisions thereof, in excess of the $100,000 in and by this act appropriated. [New section, added by act of 1913.]

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SEC. 20. When and as soon as the sum of $50,000 has been collected and paid to the State treasurer as reimbursement of one-half of the appropriation for the use of the reclamation board made by section nineteen of said act hereby amended, or when and as soon as any part or parts of said sum shall be so repaid from time to time, if the same shall be so repaid in installments, the money so repaid to the State treasurer shall be and is hereby reappropriated for the use of said reclamation board and may be used by said board as a continuing revolving fund in the manner hereinafter provided. The controller is hereby directed to draw warrants upon the State treasurer whenever drafts of the reclamation board therefor are presented to him, payable out of such revolving fund, and the State treasurer is hereby directed to pay said warrants. The said revolving fund may be used by said reclamation board from time to time for any purpose for which the funds of said board or of the Sacramento and San Joaquin Drainage District, whether raised by assessment or otherwise provided, may be lawfully used. Whenever any assessment has been or shall be levied or ordered by said board applicable to the payment of any expenses or charges so prepaid out of said revolving fund, and such proceedings shall have been taken in the matter of such assessment that it shall be lawful to draw warrants against the funds of such assessment as hereinbefore provided, the reclamation board shall make and present its draft to the controller and the controller shall draw his warrant upon the State treasurer upon the funds of such assessment for the amount of such expenses or charges so prepaid out of said revolving fund, which warrant shall be drawn in favor of the State treasurer. Such warrants may be registered and renewed and shall bear interest and be paid in the same manner as other warrants against the funds of such assessment, as hereinbefore provided, and when so paid the amount of such warrants and the interest thereon, if any, shall be by the State treasurer credited to said revolving fund and form a part thereof.

The reclamation board may from time to time draw such sum from the State treasury out of such revolving fund not to exceed the sum of $5,000 as shall be approved by the board of control, which sum may be drawn without the submission of estimates, receipts, vouchers, or itemized statements, to be used as a special cash contingent fund out of which may be advanced any proper expenses or charges in and about the conduct of its business, requiring prompt payment in cash. All charges and expenses so advanced out of such cash contingent fund must be accounted for and proper vouchers therefor produced to the board of control, and when approved by the board of control the amount thereof shall be paid out of said revolving fund and returned to said cash contingent fund. Said special cash contingent fund must be accounted for by the said State reclamation board at any time upon demand by the controller or State board of control and refunded to the said revolving fund. [New section, added by act of 1915.]

SEC. 21. Any construction or repair work to be undertaken or done upon the initiative of the reclamation board under any of the provisions of this act may, at the option of said board, be undertaken and done by said board under the sole charge and direct control of said board, its officers, agents, and employees, free from any jurisdiction or control of the State department of engineering over the same. Any such work to be so undertaken and done by the reclamation board may be done wholly or partly by contract let by the board in such manner as the board may determine, or may be done wholly or partly by day labor or force account if deemed advisable by the board. Said board is hereby authorized to construct, purchase, rent, sell, or exchange, from time to time as may be found necessary or convenient, any and all such dredgers, machines, appliances, tools, apparatus, and other property as may be necessary or convenient for doing any such work; and the cost thereof shall be apportioned to and paid from the funds raised from the several assessments levied or to be levied by said board in a just and equitable manner according to the use made of the same in carrying out the several separate portions or projects for which such assessments are levied, respectively.

Any such dredgers or other equipment, when not in use on any work of the reclamation board, may be by said board rented for use by others, and the rental received therefrom by said board shall be paid over to the State treasurer and by him credited to the balance or balances remaining unexpended of the assessment or assessments against which the cost of such equipment has been paid or is to be charged, as indicated to him by said board.

The reclamation board may also, at its option, determine that any such construction or repair work shall be taken charge of and constructed by the State department of engineering, in which case the plans and specifications for such work shall be prepared and approved by the reclamation board and by said board delivered to the State engineer, together with a request that such work be taken charge of and done by the State department of engineering, and thereupon such work shall be done or

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constructed under the sole charge and direct control of the State department of engineering in the manner provided by law for the doing of such work by that department, and the cost thereof and any necessary and proper expenses incurred by said department of engineering in connection therewith shall be a legal charge against the Sacramento and San Joaquin drainage district and paid out of any assessment or other fund applicable thereto: *Provided, however*, That any contract let by the State department of engineering for the doing of any such work shall be approved by the reclamation board before becoming effective: *And provided further*, That any cash, bond, check, or other security forfeited by any bidder or contractor for failure to enter into or to perform any contract for the doing of any such work shall be forfeited to and recovered by the reclamation board for the use of the Sacramento and San Joaquin Drainage District, and as soon as received or recovered shall be paid to the State treasurer and by him placed to the credit of the assessment out of which the cost of such work is to be paid.

In the case of any such work so done or constructed by said department of engineering, the reclamation board may furnish to said department of engineering for use in such construction any of its dredgers, machines, appliances, tools, apparatus, or other property which may be necessary or convenient for doing such work. [New section, added by act of 1915.]

SEC. 22. The reclamation board shall have the right to inspect and supervise, as the same progresses, any work done or constructed pursuant to any of the provisions of this act and may insert a stipulation for such inspection and supervision in any order, contract or other instrument permitting or providing for or relating to the doing or construction of any such work. [New section, added by act of 1915.]

SEC. 23. Any plans or specifications heretofore or hereafter adopted or approved by the reclamation board for any work to be done or constructed pursuant to any of the provisions of this act may be changed or altered, with the consent of said board, at any time before commencement or during progress of the work, if deemed advisable by said board for the purpose of avoiding obstacles or to conform to conditions discovered or existing where such work is to be done, or for any purpose approved by said board; and said board may in like manner and for like purpose at any time change or alter the plans or specifications for work undertaken by the board upon its own initiative. [New section, added by act of 1915.]

SEC. 24. The president or any member of said reclamation board, and the secretary and assistant secretary, general manager, and chief engineer of said board are, and each of them is hereby, authorized to administer oaths and to take and certify affidavits relating to any matter pending before said board, or in which said board or the Sacramento and San Joaquin Drainage District may be interested. [New section, added by act of 1915.]

SEC. 25. Any hearing before the reclamation board shall, if deemed advisable by the board, be conducted upon sworn testimony of the applicants or witnesses except in the case of reports or investigations made by the members, employees, or special advisers of the board.

Whenever in the opinion of the board it shall be necessary or proper for the convenience of applicants or witnesses, the reclamation board may meet at any place in this State for a hearing or partial hearing of any application coming before said board; or the board may in its discretion authorize such hearing or partial hearing to be had before a committee of one or more members of the board, or before the general manager or chief engineer of the board, at any place within this State, who shall take and report the evidence to the board. The board may require that all or such part as it deems proper of the expenses of any such outside hearing, if held at the request of the applicant, including traveling expenses of the members, officers or employees of the board, and the expenses of stenographic reporting and transcribing evidence taken at such hearing, shall be paid by the applicant, including a proportionate allowance, according to their usual rate of compensation, for the time of the members, officers and employees of the board required for such hearing. All money so collected as compensation for the time of the members, officers or employees of the board shall be paid by said board into the State treasury and by the State treasurer credited to the balance remaining unexpended of any appropriation or assessment available for the general administrative expenses of the board.

The reclamation board may also provide, in such manner and upon such terms as to said board may seem proper, for the taking at any place of the deposition under oath of any witness for or against any application pending before the board, which deposition shall be taken before a notary public or other officer or person authorized by law or by this act to administer oaths, and when so taken, the same shall be certified and returned to the office of said board in the manner provided by law for the certifying and returning of depositions in civil actions, and when so taken, certified and returned,

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the said deposition may be read in evidence before said board at the hearing of such application. [New section, added by act of 1915.]

SEC. 26. An affidavit may be used to prove the service or publication of any notice required or provided for by any of the provisions of this act in the same manner and to the same extent as provided for in sections two thousand nine to two thousand fifteen, inclusive, of the Code of Civil Procedure, and such affidavit shall be received as prima facie evidence of such service or publication in any court or elsewhere. [New section, added by act of 1915.]

SEC. 27. Besides and in addition to the notices required by this act, the reclamation board may in its discretion give such notice as it may deem proper, by publication, mailing or otherwise, of any of its assessments, orders, proceedings, hearings, or other acts done or contemplated. [New section, added by act of 1915.]

SEC. 28. The reclamation board may from time to time adopt rules to promote the convenient, orderly, and just conduct of the business of said board and of the Sacramento and San Joaquin Drainage District, and may amend or repeal the same or any part thereof from time to time, and any such rules or any part thereof may be suspended or compliance therewith may be waived by said board at any meeting to such extent as may be deemed proper. Any rules heretofore adopted by the reclamation board shall be the rules of said board until amended or repealed or until new rules are adopted. [New section, added by act of 1915.]

SEC. 29. The property of the reclamation board or of said Sacramento and San Joaquin Drainage District shall be exempt from execution or attachment. [New section, added by act of 1915.]

SEC. 30. If any section, subsection, sentence, clause, or phrase of this act shall for any reason be held or found to be unconstitutional, the validity of the remaining portions of this act shall not be thereby affected. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof, notwithstanding that any one or more sections, subsections, sentences, clauses, or phrases be held or found to be unconstitutional. [New section, added by act of 1915.]

SEC. 31. This act shall be known and may be cited and referred to as the "Reclamation board act." [New section, added by act of 1915.]

MEMORANDUM.

To the amendatory act of 1915 are appended the following general provisions:

It is hereby declared by the legislature that some of the provisions of this amendatory act are for the purpose of more clearly expressing what was intended by the legislature in certain provisions of said act which is hereby amended, and therefore if any provision of said act hereby amended, when properly construed, shall be held to have the same meaning as a corresponding or any provision of this act, although differently expressed, the amendment thereof by this act shall be construed to be an amendment in form only and not in substance.

All acts and parts of acts inconsistent with said act as heretofore and now hereby amended are hereby repealed to such extent as they may be so inconsistent.

EXHIBIT G.

EXTRACTS FROM BIENNIAL REPORT STATE RECLAMATION BOARD OF CALIFORNIA.

SACRAMENTO, *April 1, 1916.*

Hon. HIRAM W. JOHNSON, *Governor of California:*

The State reclamation board offers for your consideration the following report of its activities from the date of its previous report, April 1, 1914, up to the 1st of April 1916, together with certain suggestions in the interest of the work in its charge.

The work of the board as at present developed, has a three-fold character.

POLICE POWERS OF BOARD.

First, it exercises unusual police powers conferred by the reclamation board act in directing private reclamation so that it may not interfere with flood control or unnecessarily injure the safety of existing reclamation in the Sacramento and San Joaquin Valleys. Under the law plans for new levees or for changes in the old levees must receive the approval of the reclamation board before work thereon may commence. So, too, for bridges and roads crossing by-passes or overflow channels, and for

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works of any kind likely to interfere with flood flow, or to jeopardize reclamation works essential to the project. The board has jurisdiction in these matters, not only along the Sacramento and San Joaquin Rivers and on the tributaries thereof, but also in the adjoining basins.

Power is given to the board to enforce the construction of draws in highway and railroad trestles crossing the by-passes and overflow channels, wherever, in its judgment such draws are necessary to allow the passage of dredges and other craft utilized in reclamation work. It is evident that prompt access to levees and reclamation works along the by-passes, as well as on the rivers, must be had in order to insure permanent protection to the flood-control project and the interests served thereby.

In pursuance of that provision of the law, the Oakland, Antioch & Eastern Electric Railway has constructed a movable span with an opening of 80 feet in that portion of its trestle crossing the east borrow pit of the Yolo by-pass. A similar span of 70 feet width was placed, prior to the adoption of the law, in the trestle of the Sacramento & Woodland Railroad where it crosses this borrow pit. Similar provision has been made in the bridge crossing the canal between districts 1,000 and 1,001, and similar provision will be made, under the board's order, in the new bridge which will be constructed by Yolo County across the mouth of Sycamore Slough, near Knights Landing.

An 80-foot removable span has been constructed in the highway bridge crossing the Knights Landing Ridge cut under plans approved by the board.

The State highway commission has provided for a bascule bridge in its causeway where the same crosses the east borrow pit of the Yolo by-pass.

It has also left at the western end of such causeway a trestle which may be replaced, in the future if necessary, where it crosses the determined site of the western borrow pit of the by-pass, by a bascule bridge.

The trestle of the Southern Pacific Co. crossing the Yolo by-pass had been constructed prior to the passage of the reclamation board act, and this board has been unable to induce that company to act in the matter of providing a draw in such trestle, unless the cost thereof is met by the district. Even should the reclamation board approve of the equity of so meeting the expense there are no funds for the purpose.

In pursuance of this same police power, the board has ordered the removal of all trees from levees wherever they offer an element of danger; and has called attention to defective construction and dangerous conditions wherever they were found to exist, even where it lacked the power to enforce correction of the defects.

The board in the fall of 1915 entered into a contract with the Natomas Co., under which that company undertook to clear the Yolo by-pass, in the neighborhood of the Fremont Weir, of brush and trees, the work to be done under supervision of the flood control engineer and to be paid for in warrants of the Sacramento and San Joaquin Drainage District, payable out of an assessment to be hereafter levied for the Yolo by-pass. This work was undertaken in order to prevent congestion of flood waters at the upper end of the Yolo by-pass with consequent danger to the river channel and reclaimed lands.

The work was practically completed before January 1, 1916, and the good effects are already apparent. It is desirable also to clear this by-pass each year through its entire length, of tule, by burning or otherwise. The run-off could be so improved thereby as to materially decrease the flood plane in the by-pass; but it can not be done in the absence of funds for the purpose, unless interested districts are willing to undertake the work, partly for their own protection, and to accept warrants in payment therefor. District 1500 proposes to do a certain amount of clearing in the Sutter by-pass. Similar choke conditions exist in the Butte by-pass and elsewhere, and material benefits could be secured in each case by clearing.

The ill effects of the independent method of reclamation, which was recognized by State law prior to the creation of the reclamation board, are everywhere apparent. There are some large reclamation districts whose lines of levee have been so unwisely planned or placed, or improperly constructed, that these districts must either entirely change their plans or meet heavy annual expense to repair wash. There are certain districts whose levees have been so placed that no repair or construction, reasonably practical, can in the future, while the levees remain in that location, protect the districts from inundation. Levees have been so constructed on overflow channels as to cause ensmallment and choke of channel at certain points, making inevitable a breach of the levee in heavy flood on one side or the other. ("Overflow channel" as used in this report has reference to the space left in places between the natural bank of the stream and the levee to accommodate the excess flow in flood season.) Again, with the hope of saving an acreage of rich land, or because the river bank offered better foundation for a levee, levees have been constructed without proper berm on the water side, or without revetment, and are subject to such wave action and wash that they must be every year repaired at heavy expense, and perhaps ultimately

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moved farther back. In many of these cases, if for any reason it was desirable or necessary to maintain the levee on or near the river bank, economy would have been served had such bank been strongly revetted.

There is apparent on the part of a number of reclamation districts and landowners a misconception as to the scope of the board's duties. It has been called upon for decision or relief in cases of difference between landowners in a district as to the internal administration of the affairs of such district. With such matters the board has nothing whatever to do, the intent of the law being evidently to allow the reclamation districts to administer their own affairs in the future, as they have in the past, and to limit the jurisdiction of the reclamation board in connection with such districts to such supervision of district levee plans and construction as would safeguard the flood-control project from interference and other districts from danger or injury.

FLOOD CONTROL IN THE SAN JOAQUIN.

The second element of the board's duties consists in promotion of a comprehensive flood-control project for the San Joaquin River.

A certain amount of study has been given to this subject, but little could be done in advance of completion of surveys of the valley, which were undertaken in 1914, under joint action of the California Débris Commission, representing the Federal Government, and the State engineering department, representing the State of California. A fund of $64,557 was available for the purpose, half of which was appropriated by Congress and the other half supplied by the State engineering department from its appropriation for river work.

Those surveys are now practically complete and the engineering force of the reclamation board is engaged in working up data to serve as basis for the comprehensive flood-control project which will be worked out by the Californai Débris Commission in conjunction with the State engineering department. As soon as that has been accomplished and a plan adopted, with means provided for carrying it out, either under joint Federal and State action, or by the State alone, the reclamation board can proceed with the active promotion of those portions of the project which are necessary for the protection of existing districts.

Until such a plan has been formulated and adopted the board is necessarily handicapped in granting permission for private reclamation projects in the San Joaquin Valley because of the possibility that they may interfere with such flood-control plan when developed.

The Calaveras problem.—In the San Joaquin Valley, too, outside of the section now contained within the Sacramento and San Joaquin Drainage District, there is the problem of the floods of the Calaveras River, which threaten a serious menace to the city of Stockton. Those floods are at present being diverted to the north and west of the city and discharged into the San Joaquin River through the so-called diverting canal completed by the Federal engineers in 1910.

This diverting canal, while not insuring entire safety to the city of Stockton, causes annual inundation of a large farming section outside of the city. Through her chamber of commerce and official representatives, Stockton came to the legislature of 1915 and asked that she be admitted to the district and placed under the jurisdiction of the reclamation board, believing that thereby and only in this way could she speedily and satisfactorily solve the Calaveras flood problem and provide means whereby the safety of the city of Stockton could be permanently assured. Because of a complication of issues, which are elsewhere referred to in this report, the legislature failed to comply with her request.

Freeport levee protection.—The proposed work of levee protection on the Sacramento River at Freeport under the board's assessment No. 5 will very materially assist in securing protection to the reclamations in the northern part of the San Joaquin Delta.

SACRAMENTO FLOOD-CONTROL PROJECT.

The most important work of the reclamation board has been in promoting the prosecution of work on the Sacramento River flood-control project, which constitutes the third element of the duties of the board. This has been done in various ways—by completing, in cooperation with the California Débris Commission, cross-section surveys of the basins and overflow channels, and adopting, with approval of Federal and State engineers, necessary modifications of the original by-pass plan as tentatively proposed in the report of the Chief of Engineers, United States Army, 1910; by approving the construction by private capitalists of river and by-pass levees necessary for reclamation of their own lands but which are incidently necessary parts of approved units of the flood-control project; by itself undertaking field work

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where necessary in important matters; by securing desirable modifications of the law; by conducting a campaign of education among the people of the State, and particularly of the Sacramento and San Joaquin Drainage District, so that their necessary cooperation might be had; by coordinating its work with that of the Federal engineers, and keeping Nation, State, and landowners in touch and in harmony with each other.

SCOPE OF THE SACRAMENTO PROJECT.

The State, and even those citizens most directly interested, have only recently commenced to thoroughly appreciate the magnitude of the Sacramento River flood-control project, and what it means in State development. In problems presented and solutions offered, in results promised to many interests—National, State, and local—in nature of the work and the expense involved it is the greatest project in progress or contemplated west of the Missouri River, and is exceeded in the particulars named by but few projects in the United States.

The project is necessary, first, for restoration and maintenance of navigability in the Sacramento River. Ocean freighters came up the river to Sacramento city, 125 miles from the sea, several times during the high stage of water in 1914. Light-draft craft originally ran up to Red Bluff, 200 miles above Sacramento, except in late summer and fall, but now go no farther than Chico Landing, 141 miles above Sacramento city. The most favorable conditions indicated could be made more or less permanent.

The project promises necessary protection for the San Joaquin River, as well, since the two rivers have a common delta, and overflow of the Sacramento may cause inundation on the San Joaquin up to Stockton.

The project is necessary for the safety of the lower lands on the floor of the two valleys, including the cities of Sacramento and Stockton.

Upon the project depends any inland waterway system for California, since the two rivers must form the arteries of any such system. The development of the valleys of the Sacramento and San Joaquin, and, to a certain extent, that of the commerce of the State, are dependent upon inland waterways, with consequent low freight rate to the ocean port, and access thereby to the markets of the world.

In the Sacramento Valley and the adjoining portion of the San Joaquin Valley are 1,300,000 acres of rich alluvial lands below the flood plane whose future protection depends upon the completion of the project. Of this acreage 595,731 acres are low river lands, reclaimed or in process of reclamation, and 149,600 acres include higher lands, partly protected, over which floods would pass in absence of protection, but on which they would not remain. The annual crop from these 745,331 acres is valued at $30,000,000. Of low lands entirely unreclaimed which must remain permanently waste unless the flood-control project is completed, there are 160,600 acres. For taxable purposes, the value of these lands would be increased twentyfold by the project, and they would yield ultimately annual crops worth $5,000,000. There are 182,785 acres of the higher lands over which floods pass but on which they do not remain, which are entirely unprotected and for whose protection the flood-control project is more or less necessary. There are 202,311 acres of waste lands in by-passes and overflow channels, rich in character, but now practically useless for revenue, the greater portion of which will become available for valuable crops on completion of the system of by-passes and weirs. These lands would add greatly in crop and taxable wealth to the State's resources. It is quite evident therefore that the early completion of the Sacramento River flood-control project means an enormous increase to the resources of the State in addition to the taxable lands of most productive capacity in increased annual crops and in insurance against injury to towns and to possible normal crops on lands now enjoying some measure of reclamation.

The Sacramento River flood-control plan contemplates a unique cooperation between State and Nation, under which the entire expense will be shared, about one-seventh by the Nation, one-seventh by the State, and five-sevenths by the landowners whose lands will be benefited through ability to secure permanent reclamation.

PROGRESS IN CONSTRUCTION—FEDERAL UNITS.

Notwithstanding the magnitude of the Sacramento project and various obstacles encountered—including lack of knowledge on the part of those who would be most benefited by its completion, opposition for various reasons in a number of quarters, and lack of congressional approval and appropriation—work on the project has materially progressed.

In connection with that portion of the work assigned under the plan to the United States Engineers, and to be paid for jointly by State and Nation, there has been progress, notwithstanding the fact that, in the absence of approval of the project by

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Congress, there could not be congressional appropriation directly for such purpose. The project has been recommended by the Board of Engineers and the War Department; by the Rivers and Harbors Committee of the House of Representatives, and Commerce Committee of the Senate in their reports of 1914; was passed by the Lower House of Congress in the same year but failed of passage in the Senate through filibuster. Since that time there has not been approval of new projects and no direct appropriation for old projects, but simply an appropriation each session of a lump sum placed to the credit of the Chief of Engineers, to be allotted in his discretion for the continuance of existing projects.

It has been possible to continue the operations in opening the mouth of the river under these conditions, because in 1910 Congress approved a project recommended in the report of Chief of Engineers, 1907, for the purpose of taking care of the débris in the channel of the Sacramento River, which project contemplated the use of two suction dredges for 56 months. The work contemplated and being done by the California Débris Commission under this project (locally referred to as the minor project) may be considered as a part of the work included within the Sacramento River flood-control project (referred to locally as the major project). For this minor project Congress appropriated in 1910, $400,000, which was supplemented by a similar appropriation from California. In 1913 the legislature appropriated $200,000 for this purpose, which was met by allotment from the Chief of Engineers in 1914 and 1915 of $60,000 and $140,000, respectively, under recommendation of the California Débris Commission. The legislature of 1915 made a further appropriation of $250,000, which will doubtless be met by allotment of such amount as may be deemed necessary by the Chief of Engineers under recommendation of the débris commission for continuance of the present operations. Further appropriation will be necessary from the legislature in 1917, even for the minor project. If the major project should be approved by Congress at the next session, the legislature of 1917 should appropriate not less than $1,000,000 in accordance with recommendations already made and to insure completion of the project within a reasonable time.

Under this minor project the California Débris Commission has, in effect, removed the principal obstructions to flow for high-water conditions over a nearly straight channel about 3,000 feet wide, diverging from the river across the Horse Shoe Bend between Rio Vista and Bakers Point on Sherman Island. In the course of this work some of the material has been so disposed of as to serve as the core of a levee about a mile in length across the base of Bakers Point, and the old levee outside thereof has been breached in several points to permit it to be attacked and eroded by flood waters should flood conditions develop to further facilitate the flow. This would tend to afford the necessary relief. Similar work was done at the corresponding projection formed by the lower extremity of Sherman Island. Corresponding work toward the same end has also been done at other places between Bakers Point and Collinsville, where it would afford the most relief.

In progress of this work the débris commission has moved with the two dredges 13,000,000 yards of material up to January 1, 1916, and has worked 26 months of the 56 months contemplated by the project.

The plan of operation and results accomplished are shown in a map accompanying his report, the data for which was furnished through the courtesy of the California Débris Commission.

The beneficial effects of the work already done in this way toward "uncorking" the river's mouth—one of the objects contemplated by the major project—are noticeable in improved run-off of the floods.

The progress of the work at the mouth of the river offers an indication of the manner in which the National and State authorities are cooperating so as to secure the most effective results.

Through delays in procuring certain property needed for spoil bank, to afford the best sequence of operations toward the flood-control idea, it had been necessary for the Federal engineers to anticipate their needs in this matter at other points, where they had constructed retaining embankments to hold the spoil from returning to the river. Operating under the minor project only they could not construe the law to permit them to abandon this work for the time being, which had cost several thousand dollars, and repeat the expense to procure a similar new spoil bank at the Horse Shoe Bend, after the lands there necessary had become available. It was desirable that the work at the Horse Shoe Bend which would afford the most relief to the flood situation (under the major project) should be done at the earliest possible moment. On recommendation of the reclamation board the State engineering department appropriated from its river funds on hand $12,868.96 for the purpose of building the necessary retaining levee 4 miles along the west side of the channel mentioned. The Government dredges, following the construction of this levee, were enabled to deposit

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the material on the spoil bank behind such levee so that, without extra expense to the minor project, the work thereof was made available to the major project in opening the large channel necessary for the run-off of floods.

Similarly, the California Débris Commission found itself prevented, by the limitations of the minor project from surfacing the levee constructed across Bakers Point, and in the absence of such surfacing with soil there was question as to the advisability of permitting the sand embankment to be exposed to the wave wash that might result with the destruction of the outer levee, to enlarge the channel. The reclamation board arranged with the trustees of district No. 341 (Sherman Island), to advance $3,028.13, half of the necessary funds for this soil surface and issued to them warrants of the Sacramento and San Joaquin Drainage District, to be paid out of Sacramento River outlet assessment No. 2, while the State engineering department provided a similar amount. That soil surface having been placed and the levee thereby protected to the satisfaction of the landowners in the district, the outer levee will be cut so that the high waters may escape across the point and cause further erosion to increase the area available for flood relief flow.

The State engineering department has provided during 1915, and the latter part of 1914, $53,021.03, to assist in various ways the work of the débris commission in opening the river's mouth. Of that amount $37,123.94 was paid in condemnation proceedings and purchase of rights of way, and $15,897.09 for dredging operations.

In the matter of weir construction, which is also a portion of the work contemplated in the major project and to be placed under Federal supervision, while no construction has been done, in the absence of congressional appropriations therefor, rights of way for three of such weirs have already been secured, that for the Tisdale Weir having been in the possession of the State for some years, that for the Fremont Weir having been acquired through the operations of the reclamation board, and that for the Sacramento by-pass having been purchased by the city of Sacramento, which has also undertaken to construct the Sacramento Weir itself, as herein elsewhere explained.

THE PROGRESS IN BY-PASS AND LEVEE CONSTRUCTION.

Notwithstanding the difficulties and obstacles referred to in this report, the progress in construction of units of the project under supervision of the reclamation board has been marked. Much of this progress has been due to the work of private capital, which has been undertaken under practical invitation of the State and assurances that the old plan of independent reclamation, involving danger to each district and ultimate destruction to all, has been replaced by a comprehensive plan looking toward safety to all and providing a competent authority with power to enforce completion of the plan.

Of the 519.42 miles of river levees contemplated by the project, there has been already constructed and up to approved grade as fixed by the reclamation board 78.58 miles; constructed but not up to standard, 213.31 miles; in course of construction, 98.57 miles; projected, 11.85 miles; unprovided for, 46.40 miles; data lacking, 70.70 miles.

Of the 193.71 miles of by-pass levee there have been constructed and up to approved grade, 9.47 miles; constructed but not up to standard, 15.72 miles; in course of construction, 44.77 miles; projected, 25.38 miles; unprovided for, 74.37 miles; not yet located (Butte Basin), 24 miles. In addition there may be counted as by-pass levee, completed to grade, 7 miles of the west levee of district 1001, which is, in effect, the east levee of the lower portion of the Sutter by-pass.

Butte Basin.—In the Butte Basin the location of the weir and by-pass has not been finally determined by the engineers and the board. Tentative plans appearing in the report of the Chief of Engineers 1910 are subject to modifications to be made by this board on recommendation of the engineers, Federal and State, and while such plans as to all other parts of the project have received the necessary modification and been finally approved there has been no action taken in the Butte Basin. This was because there was not the immediate necessity therefor, while there was necessity for immediate determination and action as to other portions of the project, the local interests in the Butte Basin seemed to be generally content with existing conditions; no danger was involved to other portions of the project, and there is a possibility that an early completion of the Iron Canyon reservoir may obviate the necessity for by-passes in this particular basin.

Colusa Basin.—The Colusa Basin has been subject to disastrous floods due to the hill waters from the west and the absence of adequate provision for handling the same, and the imperfect river levees between Colusa and Knights Landing, particularly in those portions not included within organized districts. These difficulties are being very rapidly remedied.

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The Knights Landing Ridge cut, a unit of the Sacramento River flood control project, intended to convey the hill waters of the Colusa Basin through the Knights Landing Ridge and into the Yolo By-pass, is now nearing completion and in operation, and giving already the necessary relief. The completion of this cut by the Knights Land Ridge Drainage Districts was fought through injunctions by some districts and private owners, and its completion delayed until the litigating districts and owners were, in the winter of 1914–15, inundated, a disaster which would have been avoided had they cooperated earlier in completion of the project. This case furnishes a striking instance of the results which may be expected to follow lack of cooperation on the part of interested property owners and districts in securing completion of units of the project.

For a number of years past district 108 has endeavored to maintain for its own protection the entire stretch of river levee on the west side of the Sacramento River from Meridian down to Knights Landing, a large portion of which was entirely without its own boundaries and a protection to the lands of others. In the winter of 1914–15 this levee broke at several points near Meridian, because, while district 108 was willing to pay the expense and to undertake the work of strengthening such levees, the owners thereof refused to permit the necessary work in connection therewith. In consequence, by special act of the legislature of 1915 there was created the West Side levee district, including all the lands to be benefited and with power to construct and maintain 50 miles of levee on the west side of the Sacramento River from Colusa down to Knights Landing. That district has had dredges working for a year past to so strengthen the levee that it might afford protection against the floods of this season (1915–16). It is intended to complete the work during the present year.

Yolo Basin.—In the Yolo Basin there has been since the date of the last report practically no progress in construction of the unfinished portions of the eastern levee of the Yolo by-pass. These unfinished portions consist of 15.46 miles at the lower end (being the west levee of the Netherlands district No. 999), and 6.25 miles at the north (being the west levee of Mull district No. 1600). District 999 has been delayed partly by condemnation suits for rights of way. District 1600 has already arranged to push construction work during 1916. There has been no construction of any portion of the west levee of this by-pass. The river levees in this basin are unfinished on the frontage of district 1600 and are defective at points in two districts. Otherwise they are generally good in condition.

Sutter Ba in.—District 1500 reports construction of 24½ miles of the 34½ miles on her Sacramento River frontage. Construction of the balance is delayed by complications as to rights of way. The north and east levees of the district, forming, respectively, the south levee of the Tisdale by-pass and the southerly 20 miles of the west levee of the Sutter by-pass are reported as 50 per cent finished, but are now stopped by injunction, as is elsewhere explained.

District 1500 has also recently commenced work on 3 miles of the east levee of the Sutter by-pass, within the limits of district No. 1. This work is necessary for the protection of district No. 1, and is required by the act creating district No. 1500.

American Basin.—Work in the American Basin has been finished and the entire basin closed to flood waters by the completion, a year ago, of the levees of districts 1000 and 1001, owned or controlled by the Natomas Consolidated. The first-named district comprises 52,128 acres and the second 31,203 acres.

The levees of these districts along the Sacramento River for 18 miles furnish fine examples of modern levee construction. They are placed 100 feet or more back from the river bank, the intervening space being grown up with brush and timber to guard against wave wash. The levees have a crown of 24 feet, average height of 15 feet, and slope outside of 3 to 1 and inside of 2 to 1.

In construction a drag-line excavator was used to excavate a central trench 10 feet below the natural surface and 12 to 15 feet wide at bottom, and 30 to 35 at top, the material being thrown up on each side in the shape of a levee. This trench and the core between the clay levees was then filled in with sand pumped by suction dredge from the river bottom. This sand core levee is a valuable safeguard against burrowing by gophers, one of the obstacles to maintenance of streng levees in the Sacramento Valley, and also diminishes seepage by offering a barrier to the flow through pervious strata. The expense per cubic yard is said to be no greater than that experienced in clam-shell work. The cross section calls for more material than would a clam-shell evee, because of the drag-line trench, but this is partly offset by the slippage of the clam-shell material.

In district 1000 last year for the first time since the 60's the sea of flood waters was replaced by a sea of waving grain.

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SACRAMENTO BY-PASS.

The Sacramento by-pass, 1.83 miles long, situated a few miles above Sacramento city, and intended to discharge excess floods into the Yolo by-pass, is necessary for the safety of Sacramento city and of the neighboring districts, on both sides of the river, above and below her. It is intended as an easement for the American River, which river in extreme flood will carry, it is estimated, 180,000 second-feet, augmenting the flood which the Sacramento River channel below the mouth of the Feather can accommodate (now 75,000 second-feet, but to be increased on completion of the river levees of district 1600 to 107,000 second-feet). The maximum capacity of the river channel below Sacramento city is but 110,000 second-feet, and no levees practicable in the neighborhood of Sacramento city could under present conditions long remain above the rising flood plane which would follow the choke produced by the flow of 287,000 second-feet indicated.

Because of her critical position and the uncertainty of congressional appropriation for weir purpose, Sacramento city voted, in 1912, over $500,000 to be used in opening the Sacramento by-pass. There were delays because of rights of way negotiations and changes in city administration, but the entire rights-of-way have now been purchased by the city and she has perfected plans for the weir which have received approval of the Chief of Engineers and War Department. The weir structure is designed to carry also a public roadway for Yolo County and the trackway of the Sacramento and Woodland Railway. Its sill is fixed at elevation 25 U. S. E. D., and above that in 40-foot sections, are 48 movable gates which permit retaining the flood in the river channel up to elevation 31 U. S. E. D., or discharging it through one or more of these gates. The gates are so devised that automatically a steadily increasing number will drop for each half-foot rise in flood plane above elevation 32 feet U. S. E. D., all being open when the flood plane reaches 36½ feet U. S. E. D.

The reclamation board will build the lateral retaining levees of the by-pass and adjust the matter of compensation for drainage plants, etc., with reclamation districts Nos. 785 and 537, through both of which the by-pass cuts.

Some fears were expressed by Yolo County landowners as to possible increased damage to their lands from the operation of the Sacramento by-pass in conjunction with the Yolo by-pass, but there is apparently no good ground therefor, as indicated by reports made in connection with the subject in September, 1912, by Maj. S. A. Cheney, United States Army, then executive officer of the California Débris Commission, and Hon. W. F. McClure, State engineer, to be found in the report of the reclamation board published in 1912.

According to the statements of these engineers with the various levees as they are now, and holding intact, no water could go over the Sacramento Weir as planned until the Yolo Basin had been filled through existing breaks at Grays Bend and Woods Bend and at Elkhorn Weir; water would have to be pouring more than 4 feet deep over Elkhorn Weir before it would begin to go over the Sacramento Weir; the extra amount which could go into the Yolo Basin, because of the Sacramento Weir, would be, under such circumstances, small; the operation of the Fremont Weir, with the corresponding construction of river levees, which will follow construction of the Sacramento by-pass, would be of great value to Yolo Basin, diminishing the amount of water going into the basin by forcing the river channel to carry more, and maintaining conditions under which in any year there would be water in the basin for less time than under existing conditions, and in some seasons none at all; and the speedy construction of the Sacramento Weir should be therefore promoted by all who are interested in the development of Yolo Basin.

BASIN RECLAMATION AND BOARD POLICY.

While the intent of the reclamation board act is obviously that the reclamation board should promote in every practicable way the early completion of the Sacramento River flood-control project, the board has not taken the initiative in advancing reclamation in the river basins, even when such reclamation would incidentally construct works which are integral parts of units of the project.

It has followed this policy for two reasons: First, there was obviously a possibility that reclamation in the upper basins, if it progressed too rapidly, would so diminish the basin reservoir capacity in flood season as to cause increased danger to the river and to existing reclamations in the delta, until the work of opening the mouth of the river had progressed far enough to permit the rapid run-off of augmented flood; second, the board deemed it best to have reclamation work of this character incidental to the project done, so far as possible, by the districts and land owners themselves, under approval and supervision of the board and its engineers. Such a plan

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is obviously more satisfactory to the districts, while it utilizes their organization and facilities, relieves the board of much detail, and permits it time and attention for supervision of this work and for consideration of the larger features of the problem. For the reasons indicated, the board has thus far avoided, save in case of necessity, taking itself the initiative in actual construction of by-pass works. If, when the river's mouth has been sufficiently opened, the work in the basins has not kept pace therewith through private and district initiative the board can, under its authority, force completion of basin and river work wherever necessary to secure flood control.

It is evidently not the intent of the act, however, notwithstanding the consideration above mentioned, that the board should disapprove plans of reclamation districts for reclamation in the upper basins if the plans are in conformity with the flood-control project, and particularly where levees necessary to units thereof are part of such plans. The act plainly invites cooperation from the districts in such work. The board has assumed that each reclamation district or owner of overflow lands has the right, under the law and in conformity with the act, to reclaim its lands, provided the plans therefor should be approved by the State and Federal engineers as in conformity with the Sacramento River flood-control project adopted by the State. It has, therefore, approved plans of this character when presented to it by reclamation districts or owners, even in advance of the necessary opening of the mouth of the river, but has endeavored to provide for safety of all interests by restricting the closing of the reclamation levees in the upper basins until a time so remote that there would be opportunity to secure the necessary relief in run-off below. For instance, a delay of two years each was enjoined on district No. 1500 in Sutter County, on the Knights Landing ridge district for making the Knights Landing ridge cut, on the Mull district No. 1600, and the Netherlands district No. 999 in Yolo County, on the assumption that within that time, under the appropriations made and provided for, sufficient increased capacity would be secured in the river's mouth to compensate for withdrawal of basin reservoir capacity, and that in the meanwhile, Sacramento city and interests concerned would complete the construction of the Sacramento by-pass for which measures had already been inaugurated.

Under a recent decision of Judge Emmet Seawell, presiding in the superior court of Sutter County, in the case of Samuel Gray et al. *v.* Reclamation District No. 1500, if upheld by the Supreme Court, it would appear that reclamation in the basins can not proceed by individual district work which raises the flood plane, even though it constructs necessary parts of units of the flood-control project, unless there be completed at the same time the entire work in by-pass and levee construction for the particular unit of the project involved. For only in this way can all lands threatened be protected from the effects of such raise in flood plane. It may become necessary now, in fairness to districts which have, under the State's invitation, expended large sums of money in this work and which may not complete it for their own protection under the Seawell decision, and it will certainly be necessary in the future, when the time is opportune for completing all by-passes, that the reclamation board abandon the policy above indicated, and itself assume the initiative in constructing at one time, all remaining portions of large units of the project.

ASSESSMENTS.

The board has levied five assessments as follows:

General assessment No. 1, $250,000 levied June 9, 1914; assessors, A. E. Chandler, Max W. Enderlein, Alex Brown. First installment called, $150,000, delinquent July 15, 1915; amount collected to December 31, 1915, $111,523.36, a small portion of which is payment in advance on the second installment, which has not yet been called.

In levying this assessment the board complied with the specific provision of the act of 1913, providing that out of the first assessment levied by the board there must be returned to the State treasury $50,000, or one-half of the appropriation made by that act for the running expenses of the board. The assessment was necessitated further by the facts that the legislature, in passing the act of 1913, clearly intended that future administrative expenses of the board should be paid out of assessments; that the legislature of 1915, in amending the act, made no change in such policy; and that the funds in the board's hands were about to be exhausted, while the work, vital to the project, had to continue. We believe this method of assessment for providing funds for the administrative work of the board to be a serious mistake, to which attention is hereafter called.

Of the amount collected through this assessment, $50,000 was paid into the State treasury, in accordance with the terms of the act of 1913, and afterwards placed to the

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credit of a revolving fund for certain uses of the reclamation board, as provided in the act of 1915. The balance, $61,523.36, remained to meet the various expenses of the board.

Sacramento River outlet assessment No. 2, levied August 4, 1914, $367,000; assessors, A. E. Chandler, Max W. Enderlein, and Alex Brown.

In levying this assessment the board complied with the direction of the act of 1913 which provided that one of the first projects to be given consideration by this board shall be the Sacramento River outlet project, and that it shall provide in the assessment therefor for the return to the State of California, municipalities, reclamation districts, and landowners of amounts expended by them previous to passages of the act in purchase of rights of way in connection with such outlet project.

The amounts thus subscribed for rights of way, as referred to in the act, aggregate $240,188.19, of which $75,000 was furnished by a bond issue by the city of Sacramento and most of the balance obtained through efforts of the San Joaquin and Sacramento River Improvement Association. In addition, assessment No. 2 covers estimated cost of additional rights of way under condemnation suits (since decided), spoil banks, elimination of Wood Island, levee work not covered by contemplated congressional and State appropriation, assessment expenses, etc.

A warrant has been issued against this assessment for $3,028.13 in favor of the trustees of district No. 341 (Sherman Island), who advanced half of the amount necessary for surfacing the new Bakers Point Levee prior to cutting off such point. The other half was furnished by the State engineering department from its appropriation for river work.

Sacramento by-pass assessment No. 3, levied August 4, 1914, $900,000; assessors, A. E. Chandler, Max W. Enderlein, and Alex Brown (subsequently canceled and relevied, as indicated below).

This assessment was levied in order to hasten, in cooperation with the city of Sacramento, the completion of the Sacramento by-pass, which by-pass is recognized as necessary to secure the safety of Sacramento city and the surrounding districts, more particularly from the menace offered by the floods of the American River, and is preliminary to installation of the Fremont weir. Sacramento city, in the absence of congressional appropriation for weir construction, had offered to construct the Sacramento weir with funds secured from a bond issue passed by the city on behalf of the completion of the Sacramento by-pass. She has already purchased the necessary rights of way for the entire by-pass, amounting to $275,000.

Assessment No. 3 is intended to reimburse Sacramento city for the purchase of these rights of way and also to cover the cost of construction of the two lateral levees and such additions to the weir structure as are intended for the purposes of the Yolo County road and the trackway of the Sacramento & Woodland Electric Railway, now having rights of way across the by-pass, and also to compensate reclamation districts Nos. 537 and 785, which are cut by such by-pass, for damage incurred thereby.

This assessment was canceled January 29, 1916, and a new assessment for $1,095,000, levied covering the changes necessitated by the plans for the weir, submitted by Sacramento city and approved by the Chief of Engineers. The assessors named for this assessment are Max W. Enderlein, F. C. Herrmann, and B. A. Etcheverry.

It is contemplated that collection will be made on this assessment this fall.

Fremont weir-site assessment No. 4, levied August 25, 19, 14, $180,000, assessors; Max W. Enderlein, F. C. Herrmann, and B. A. Etcheverry.

This assessment was levied in order to purchase the lands known as the Freitas and Caffaro lands, and some other lands at the head of the Yolo by-pass, which are necessary to provide the site for the Fremont Weir, and an opening 8,000 feet wide from the Sacramento River near the mouth of the Feather into the Yolo by-pass. Options had been secured on the Freitas and Caffaro properties in 1913 and 1914, which options were expiring necessiating an assessment for the purpose of securing the necessary funds. A warrant has already been issued for the payment of the amount due on the Freitas contract, $102,930.20, and the deed therefor placed in escrow pending the payment of the warrant. The assessors are now proceeding to the spreading of the assessment, and it is expected that collection thereof will be made in the fall of 1916.

Freeport levee assessment No. 5, levied January 18, 1916, $58,163.70; assessors, Max W. Enderlein, F. C. Herrmann, and B. A. Etcheverry.

This assessment was levied for the purpose of securing the funds necessary to strengthen and revet a certain stretch of levee, 3,550 feet long, on the east side of the Sacramento River below Freeport, between districts Nos. 824 and 744. A break in the levee at this place would not only inflict injury to the navigability of the river and damage to a number of districts in the neighborhood and below, but would also very seriously injure a territory extending into San Joaquin County. Temporary

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repairs, which it is hoped will be sufficient to protect the levee during the current floods, are being carried on by the State engineering department under funds to be provided as follows: $1,750 by the State engineering department, $1,000 by the supervisors of Sacramento County because of interest in public roads; an amount not exceeding $400 by private subscribers, to be reimbursed by warrants from the Sacramento and San Joaquin Drainage District, payable out of this assessment. Work on permanent construction and revetment will be commenced after the winter season. The assessors are engaged in the work of assessment; and collection, it is expected, will be made in the fall.

STORAGE AND FLOOD CONTROL, SACRAMENTO VALLEY.

One fruitful cause of opposition to the flood-control project, and of apathy on the part of those who otherwise would have cooperated in promoting its completion, is the declaration that the by-pass plan recommended by the Federal engineers and adopted by the State is not the proper plan of flood control for the Sacramento River; that it carries in waste to the sea the flood waters which could be stored for power, irrigation, and municipal purposes; and that there is ample reservoir capacity in the Sierra Nevada Mountains to store all these flood waters. This declaration has been for years insistently made by those ignorant of the facts and by those who ignored them, and has been used as a stock argument for the abandonment of the present plan; and the promotion instead of the Newlands-Broussard bill which has been for many years before Congress without action.

Some support has been given to this belief by the fact that there is in the Sierra storage capacity which if available for the purpose would go far toward controlling the floods of the Sacramento River.

The report of the Chief of Engineers, 1910, declares that storage reservoirs can not be utilized for flood control of the Sacramento, because (1) the storage available would care for only a small portion of the flood, and (2) the expense as to available storage would be from two to ten times as great as that involved in caring for the same amount of flood by the by-pass system.

Because of the large apparent storage capacity in the mountains and the failure of the report of 1910 to explain the limitations created by the word "available" the Federal engineers have been accused by some of misrepresentation or incompetency. The explanation of the apparent discrepancy lies in the fact that most of the storage of the Sierra is not available for control of the Sacramento River flood for one or more of the following reasons:

(*a*) It is above or can not be reached by the flood flow.

(*b*) It duplicates in whole or in part the service of other storage draining the same area.

(*c*) Its capacity is greatly in excess of any flow of the season which can drain into it.

(*d*) It is fed, not by flood waters in time of river flood, but by melted snow after the danger of river flood has passed.

(*e*) Its use would involve the sacrifice of homes and agricultural lands of such value as to make it impracticable.

A few instances will illustrate the conditions. Big Meadows Reservoir, draining a small section of one fork of the Feather River, with a credited capacity of over 500,000 acre-feet, is practically negligible as a factor for control of the Sacramento River. It receives its supply largely from melting snow late in the season, and its capacity is from two to three times as great as the season's run-off which can drain into it.

Again, on the upper Pitt River are four reservoir sites, Big Valley, Jess Valley, Warm Spring, and Round Valley, with an aggregate surveyed capacity of 4,186,000 acre-feet. The aggregate total of the mean annual flow which could be received by each is 1,100,000 acre-feet. Of the 770,000 acre-feet flow accessible to the largest reservoir, 340,000 can be stored also in the three smaller reservoirs. These facts developed under a joint survey made by the United States Reclamation Service and the State engineering department, because of the protests of landowners at having their lands and homes in these reservoir sites, included in Federal reserves. As a result the Government retained in reserve the three smaller reservoirs to the extent only of their available capacity, 340,000 acre-feet (their actual surveyed capacity is 990,000 acre-feet), and abandoned entirely the Big Valley, which, with a capacity of 3,196,000 acre-feet, could have received and stored of the flow, in excess of that stored by the smaller reservoirs, not more than 430,000 acre-feet. So in this case the United States Reclamation Service, which is particularly concerned in reserving all available storage capacity, found that an apparent capacity of 4,186,000 acre-feet dwindled down in practice to 340,000 acre-feet.

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E. G. Hopson, formerly supervising engineer of the United States Reclamation Service on the Pacific coast, and now consulting engineer in the same department, thus expressed himself on this subject before the California State Water Problems Conference at its session on October 27, 1915:

"As to the possibility of reservoirs holding back the floods of the Sacramento Valley, there have been some very definite statements. We have collected a mass of information. All the reservoir sites are known to us and have been surveyed. It is impossible to hold back the greater part of the Sacramento floods by use of reservoirs. There are only two effective reservoir sites that I know of, that at Iron Canyon and one on the Pitt River, and these could care for only the peak of the floods. Reservoirs never could hold back the great mass of flood water, and on that we can not lay too much emphasis. I think there is more fallacy abroad on that point than on any other point having to do with water problems. We could use all the sites available for the storage of flood waters, and they would affect only to an insignificant extent the flood problems."

Opposition to and criticism of the project based on this misconception of the availability of storage reservoirs is fast disappearing, as the facts become known and understood.

The Iron Canyon Reservoir as projected by the United States Reclamation Service is one of the few storage reservoirs which could be made of value to the Sacramento River flood-control project. Concerning the measures of that value there is practical agreement between this board and the Reclamation Service, as is evidenced by correspondence attached to the report on the Iron Canyon project published in 1915. The early completion of that project, with satisfactory operation in the interest of flood control, would justify material modification and possibly entire elimination of the by-pass system, so far as it applies to the Butte Basin, but would not justify changes elsewhere.

It should be said, however, that the Reclamation Service report offered a number of alternative plans, some of which do not provide for any measure of flood control. The particular plan which was recommended by the Board of Review named by Secretary of the Interior Lane—"B 3"—does not provide any measure of flood control, and does interfere with navigation. It would cost $3,600,000 additional to add the features which would make this plan care for the excess flood beyond the quantity the river can accommodate, and $4,000,000 to pay for improvement to navigation necessitated by adoption of the plan.

It is true that reservoirs hereafter constructed may prove additional factors of safety to the Sacramento flood-control project, but only to the extent of the flood which they will hold back at flood stage, and that project has been so planned that they can fit into it when built.

V. S. McClatchy,
A. G. Folger,
W. T. Ellis,
Peter Cook,
G. A. Atherton,
Louis H. Frankenheimer,
M. K. Zumwalt,
State Reclamation Board, State of California.

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EXHIBIT H.

[Extracts from hearing before the Committee on Rivers and Harbors of the House of Representatives, July 23 and 24, 1915, during the inspection of the Sacramento, Feather, and San Joaquin Rivers by the committee.]

STATEMENTS BY MAJ. L. H. RAND, UNITED STATES ARMY, OF CALIFORNIA DÉBRIS COMMISSION; G. A. ATHERTON, MEMBER STATE RECLAMATION BOARD; A. E. ANDERSON, PRESIDENT CALIFORNIA TRANSPORTATION CO.; P. J. HARNEY, PRESIDENT SACRAMENTO TRANSPORTATION CO.; HON. CHARLES F. CURRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; AND P. C. DRESCHER, OF SACRAMENTO, CAL.

ON BOARD THE STEAMSHIP "COLUSA,"
ON THE SACRAMENTO AND SAN JOAQUIN RIVERS,
July 23, 1915.

[Notes taken by, and dictated to, the stenographer at different times en route from Meridian to Sacramento and Stockton, on examination of Sacramento and San Joaquin Rivers, Cal.]

Mr. ATHERTON. The only thing at the present time that I care to call your attention to is the marking on this plan in red—the navigable channels between this point here [pointing] and up to Stockton. These channels have in every instance 9 or more feet of water and are 500 to 600 feet in width. They are navigated every day in the year. The lands are in a high state of cultivation, and all of the traffic with this territory is done by boats. The produce is largely potatoes, onions, beets, and barley and it is shipped to San Francisco. There are about 200,000 acres in this territory, and of these channels there are 210 miles. The shoalest channels that we have in this territory are the 6 miles from here [pointing] into the city of Stockton. There the Government has to do considerable work to maintain 9 feet. The distance is about 45½ miles from Stockton to the mouth of the San Joaquin. We go down 61 miles from Sacramento to the junction of the two rivers, or to Collinsville. Very many of these channels have been constructed by private enterprise in connection with the reclamation of these lands through the raw tules. I think in this interior territory there is not a place where the farmer has to haul more than 3 miles to water. Between Stockton and the mouth of the river I think there is no difficulty at all in getting economically the necessary cross sections to take care of the flood waters that have ever occurred. There is one place on the river where a by-pass is necessary. The head of navigation is practically in Stockton, but this summer the river has been operated 20 miles above Stockton, and all of the year for about 15 miles above Stockton there is navigation. * * *

The CHAIRMAN. The captain of the boat said the new cut we just passed through is better for navigation purposes than the old one.

The river is like the Mississippi. If it makes a cut-off in one place; it will lengthen at some place else, so that it is ever practically the same length.

Mr. ANDERSON. The two large companies that handle commerce below Sacramento are the Southern Pacific and California Transportation Co., my company. I should say that we handle, combined, about 500,000 tons between Sacramento and San Francisco.

Capt. RAND. The commerce for the Sacramento is 720,000 tons, with a valuation of $38,000,000, and for the San Joaquin 772,000, valued at $35,479,000.

Mr. ANDERSON. The California Transportation Co.'s tonnage is all from Sacramento and below. Then there is also quite a tonnage on the lower river carried by schooners and gasoline boats towing barges. There are something like 200 boats of all kinds—schooners, barges, etc. Four companies operate 26 steamboats, including California Transportation Co. and the Southern Pacific. The Sacramento Transportation Co. operates 24 barges in addition. There are two regular lines operating above Sacramento—the Sacramento Transportation Co. and the Farmers' Transportation Co. The Farmers run twice a week from San Francisco to Colusa, each boat taking one week for the round trip, and the Sacramento Transportation Co. operates regularly twice a week from San Francisco to Colusa and above. Each boat makes one round trip a week. Above Colusa the business is all handled by Sacramento Transportation Co. on flat barges towed by light-draft steamboats. One boat and barge operate regularly to Chico Landing from Sacramento. When more boats are needed they are sent up. Chico Landing has been the highest upriver point any company has operated to in the last two years. No boat has gone to Red Bluff in the last two years and possibly last four years. They have found it unprofitable to operate up that far. The water dropped too fast on them, and snags found their way into the channel. The

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freight on the Sacramento, northbound, consists of merchandise of every type—seed, grain, cereals of all kinds, bags to put the crops in, and, of course, supplies of all kinds for those towns along the river. The southbound tonnage is grain, beans, dried fruits, rice, canned fruit, etc. The barges have a capacity of 800 tons.

Maj. HARNEY. Our total tonnage was 184,000 tons. Of the volume of tonnage that we carry from Sacramento to all points in the Sacramento River, more than half of that total volume is destined for and shipped from points above Sacramento. The last trip to Red Bluff we made June 23, 1911. It took us 30 days to make the run. We had a very big freight on that trip. We got up to Tehama, 13 miles from Red Bluff, and we could not make that 13 miles. We had to haul all the freight by team to the cars and ship it by rail. In the early days the river came up usually about the 1st of November. Since 1906 or 1907 we do not have high river until about the middle of January. That is the reason we have not been operating to Red Bluff.

(NOTE.—At 10 o'clock we passed the steamer *Sacramento* loading grain at Nelsons Landing. She carries 500 tons. The boat we are on, the *Colusa*, can carry 600 tons when fully loaded.)

Maj. HARNEY. We carry grain on light-draft barges. We go up to the upper reaches of the river with those barges and load 100 or 150 tons and keep on loading that barge as we come down the river, loading it to its full capacity, which is 800 to 850 tons. We built those barges so that we are able to take out 400 tons on a draft of 20 inches. In some places on the river we only have 26 inches. This boat draws about 29 inches light (*Colusa*).

Colusa has the largest tonnage of grain above Sacramento. So far as merchandise is concerned, that is determined by the population. The steamship transportation trucks the freight 8 or 10 miles from each bank of the river to their docks, and carries it to San Francisco 20 per cent below the railroad rates.

We passed canneries yesterday that are full of canned fruit. Last year they were empty.

Capt. ANDERSON. Tonnage was less and passenger traffic was less in 1914 than in 1913. The answer is, merchants in the interior of the State were not doing the business in 1914 they were in 1913, and travel was not as great.

The Interstate Commerce Commission took from certain interior points in California their terminal rates. In the readjustment of the rates the railroads were to apply to an interior point, like Sacramento, the terminal rate plus the local. The rate on canned goods from the terminal to New York was 85 cents. A canal boat line put in a rate of 35 cents on canned goods and similar freight, and the Southern Pacific, fearing that the canned goods would get away from them, applied to the Interstate Commerce Commission for permission to issue a 40-cent rate. The local rail rate on canned goods from Sacramento to San Francisco is $2.20; from Fresno, $5. Now, then, a cannery in Sacramento gave me 200 tons of canned goods to bring to San Francisco and deliver to the Southern Pacific Co. for shipment to New York. My rate was $1.50 per ton from Sacramento to San Francisco. Inside of a week the Southern Pacific applied to the Interstate Commerce Commission for permission to put in a proportional rate of $1.50 on canned goods from Sacramento to San Francisco.

Maj. HARNEY. Eight or ten years ago the commerce was mostly grain on this upper Sacramento River. One farmer owned 54,000 acres. The result is that practically all of that land has been sold. With crops of grain it would produce 30,000 to 40,000 tons of freight. With diversified farming and irrigation that land will raise 150,000 tons of freight.

Between Sacramento and Colusa the river is in good shape. We can operate night and day on this river.

(NOTE.—Maj. Harney built this boat, the *Colusa*, two years ago, in anticipation of increased traffic on the river.)

Sacramento is the distributing center for the fruit industry in California. There are about 15 warehouses on the river. The farmers hold their grain until winter sometimes for good prices.

The boats carry 22 carloads of freight and take it promptly alongside of the ships in San Francisco Bay and other places. The railroads can not give the dispatch as there are delays in furnishing cars and delays in transferring and switching alongside of ships. Our boats run in to any bank and take freight from any farm.

Mr. DRESCHER. The lands in the valley produce from four to five crops of alfalfa a year, each crop giving from 1½ to 2 tons per acre, making a total production of from 7 to 10 tons a year. Two years ago this hay brought $12 and $13 a ton on the banks. Barley, they can produce 20 bags to the acre, each weighing from 100 to 110 pounds. That would be a moderate estimate. Potatoes, from 80 to 150 bags to the acre, weighing about 110 pounds to the bag, or about 2 bushels to the bag. Onions from 125 to 300 bags to the acre, 100 to 110 pounds to the sack. Vegetables of all kinds are raised

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and they run from 6 to 10 tons to the acre. With barley and wheat it is about 1 ton to the acre. With intensified farming it is sevenfold. One man at Meridian said his crop of sugar beets would be 15 to 20 tons per acre. The average production of Colorado is 10 tons to the acre, of California, a little over 10 tons to the acre. Two hundred and eighty pounds of sugar are produced from 1 ton of beets.

JULY 24, 1915.

NOTE.—We departed from Sacramento this morning at 8.30.

Mr. CURRY. Ninety per cent of all the asparagus canned in the United States is grown in this district from Courtland down. Two hundred carloads of fresh asparagus has already been shipped this year. Out of Courtland last year there was $10,000,000 worth of all kinds of deciduous fruits shipped, mostly pears, peaches, and fruits of that kind. The asparagus carloads consisted of 10 tons each. It costs about 7 cents a pound to land it in New York. The farmer gets 4 cents a pound for the asparagus in crates on his ranch. The crates weigh 7 pounds. Three cents is for handling, freight, and refrigeration. It is shipped by buyers and middlemen. They assume all the responsibility, paying the farmer 4 cents a pound, and they pay 10 cents a crate to sell it after it gets to New York. Three cents includes handling, hauling, refrigeration, and haulage at both ends of the route. We grow more potatoes, more beans, and more onions in through here than in any other section of similar size in California. The people on the east side have taken better care of their land, and all this produce is raised there. It is cultivated a little more intensively than other lands. This is all shipped by water, most of it going to San Francisco and Stockton, and is shipped by railroad from those points.

There is a mosquito fleet on the San Joaquin, as well as on the Sacramento, the tonnage of which can not be gotten. Every farmer has a landing place, and if they have got freight for this line they will put up a flag which will invite boats of this line to drop in and pick up the freight. Each line has its own flags. The boats will stop for one bag of potatoes. Every town or city water front on the river is owned by the municipalities. All the levees that have been put up have been put up by the owners of the land themselves. Around Sacramento and Marysville a levee is made. Sacramento contributed $75,000 toward purchasing a point 65 miles below for improving the navigation of the river. The land back of the levees slopes down as it goes back to about 22 feet below the high-water level. That land has a sedimentary deposit of about 12 to 14 feet. Below that is a muddy deposit. They do not have to irrigate that land out there at all, but if you do irrigate it a little it will do better. The land here does not need fertilization, but there are some very peculiar streaks in the soil along here. On the east side of the river is a famous cherry belt. In the cherry belt, which is a narrow strip about 12 to 14 miles long, these trees grow very well and bear very well, but when you get out of that strip you can not grow them at all. They have experimented with the land, so that they have got it planted in what it will grow the best and most of. They raise fruits and berries of all kinds. The citrus fruits are not raised here, but they do better farther north. Almonds and English walnuts are raised here. It takes a nut tree five or six years before they bear good. They find here that it is best to take the pear trees out when they are 20 years old. They will bear when they are 30 or 40 years old. The pear tree will be growing at its best when it is from 8 to 20 years old. Here they take them out when they are 20 and put in a new tree. The best the farmers can get this year for their peaches is $10 a ton for about one-third of their crop. They will get $25 a ton for their pears. Last year they got $40 for pears and $25 for peaches.

Capt. ANDERSON. In 1909 the River Improvement Association paid $120,000 and the State appropriated $80,000 for rights of way down here, which have been turned over to the United States. These rights of way are in territory now being worked by the United States dredges.

Maj. RAND. The dredges take out 300,000 yards a month each. The dredges cost about $50,000 more than the estimate.

About $4,500,000 is to be expended on dredging down here, and the other $1,300,000 is to be expended on weirs.

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CONTROL OF FLOODS.

MAY 15, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CROSSER, from the Committee on Flood Control, submitted the following

MINORITY REPORT.

[To accompany H. R. 14777.]

While conceding the desirability of controlling the floods of the Mississippi and in fact of all other streams of the Nation, I nevertheless can not concur in the report made by the majority of the committee.

The theory upon which the Federal Government originally undertook the treatment of the Mississippi River was the improvement of the navigability of the stream. Primarily this should still be the basis of action of the Federal Government. The Mississippi River Commission was organized under the act of Congress of 1879 for the purpose of supervising the work in general and making recommendations to the War Department and the Government for the purpose of aiding navigation.

The bill under consideration proposes to appropriate money to be used chiefly for the building of levees, and this, in my opinion, would be detrimental rather than an improvement to the navigability of the river The Mississippi River levees are artificial barriers constructed at distances ranging from 100 yards to one-half mile back from the shore of the river. If these levees are extended so as to form a complete chain from Cairo to the Head of Passes, the result will be that when floods occur the river will overflow its natural banks, as it has in the past, and if the levees should prove successful, the water would be held inside of the levees, and for a considerable length of time would submerge the land between the inner side of the levee and the ordinary shore line of the river. The water finally recedes and leaves the earth in the bank of the river disintegrated and ready to fall. A large amount of it does each year fall into the river bed. Not only is this true, but the river during the flood itself tears away, by reason of the increase of its dynamic energy, a very

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large quantity of soil. It was argued by the Mississippi River Commission shortly after it had taken charge of the work that the levees would confine the river and so increase its force as to scour out the channel of the river itself. Mr. Lyman E. Cooley, a prominent engineer who appeared before the committee, said in reference to this contention of the Mississippi River Commission that—

> The wish seems to have been father to the thought which has not been justified by experience. Unhappily the river does not seem to have exercised any wise selective power; in fact, it seems to have discriminated in favor of the banks. This appears rational when you consider that the increased dynamic energy must have increased resistance which can only be produced by widening the stream bed, or even dissipating it entirely, as is the case on the high declivities of the Platte River.

It would seem, then, that levees do not improve the navigability of the river, but, on the contrary, deteriorate it, and therefore the greater part of the money authorized by this bill would be used for a purpose detrimental to the navigability of the stream.

If the navigability of the Mississippi River is to be consideerd at all, then the principal portion of the proposed appropriation, if the Government's efforts are to be confined to the section between Cairo and the Head of the Passes, should be devoted to revetment work. Revetment serves the same purpose as to a river bank as the skin serves to the body. Revetments usually consist of willows woven into a kind of mat and then fastened along the river bank at the water's edge and held against the bank by weights or by some other satisfactory means. This prevents the current from striking the soil of the bank directly and consequently keeps the soil of the bank from crumbling away. Mr. Cooley states that thorough reventment, as shown by experience, would unquestionably cause the river to wear its channel deeper. He said:

> In fact, the only way you can maintain a channel is to stop that continual erosion and dumping on the crossings and filling up all the low-water channels you make year by year. The effect would be revolutionary, but, beyond that, I think the further improvement consists in increasing the low-water supply of the stream.

Mr. Cooley stated before the committee that the total amount of detritus passing Cairo each year is about 400,000,000 cubic yards, or a square mile about 400 feet deep.

In addition, however, to the detriment caused to navigation by the building of levees, the construction of levees as the only measure for flood prevention is of doubtful value, to say the least. The natural result, of course, of building levees is to contract the width of the flood and consequently to increase its height. According to the testimony of Col. Townsend before the Rivers and Harbors Committee of the House in December, 1912, the floods of 1882 and of 1912 were, approximately, the same in volume. In 1882 the stage at Memphis was 35 feet, and every part of the city was above the water's reach. In 1912 the stage at Memphis was 45.2 feet, and the water flooded the northern part of the city, causing great property damage. The Mississippi River Commission itself, in its report for 1910 (p. 2938), said:

> The increased elevation of the flood height is the result of the general confinement of the flood discharge by the levee system as a whole.

As the stream is more and more confined by levees and the floods increase in height, the pressure against the levees themselves is greatly

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increased, and this naturally results in breaks of crevasses in the levees. During the flood of 1897, 38 crevasses occurred, yet we are told that the levee system is satisfactory, because the remainder of the levee system remained intact. The flood, of course, found plenty of room to escape through the 38 holes, and it was not necessary for it to destroy the remainder of the levee system.

Congress has been told by the commission ever since 1880 that the levee system would accomplish the purpose desired, but each year an increase of the amount of the appropriations is requested. In 1860 Capt. Humphrees and Lieut. Abbott, Army engineers, reported that it would take about $17,000,000 to secure the alluvial region against inundation. In 1883 the Mississippi River Commission estimated the final cost of the levee system at $11,450,000. In 1912 Col. Townsend, of the commission, stated that it would cost $58,000,000 to build existing levees to the height they had estimated the flood of 1912 would have attained, and, in addition to this, his estimate for revetment work was $90,000,000. Capt. West, of the Mississippi River Commission, in his testimony before the same committee said:

> You need not expect to get out short of something like $70,000,000 or $75,000,000 ultimately for levee construction.

Capt. West testified that the total cost of revetment and levee work would be $228,000,000. Before the flood of 1912 the commission considered the work of the Government in the erection of levees to be practically complete, and said the time was "near by for the realization of that expectation, provided the United States will protect the existing levees from undermining by caving."

In view of the history of the Mississippi levees and levee construction, it is difficult to understand why the Federal Government has permitted the Mississippi River Commission to persist in its narrow and insufficient policy.

The fact is that the so-called protection of the alluvial lands adjoining the Mississippi River is primarily a work of reclamation. The large basins of the St. Francis, the Yazoo, and the Tensas were subject in their natural condition to overflow, and in fact stored the surplus waters of the Mississippi during the floods.

In order to accomplish satisfactory results, we must adopt a comprehensive and scientific plan of water control. This is necessary not only from the standpoint of the residents of the lower Mississippi Valley but also from the standpoint of the inhabitants of the regions at the headwaters of the system. That which at present constitutes a great evil to the people of the lower Mississippi would, if made available, be a great blessing to those who live farther up and at the headwaters. Some comprehensive plan must therefore be adopted which will provide for the storing of surplus waters at the sources of the streams. Much, and, in fact, sufficient for the prevention of floods, could be accomplished by the construction of great reservoirs at appropriate places along the tributaries of the principal stream. Much could also be accomplished by a system of forestation and reforestation. The work of revetting the banks of the river itself should be pushed with all possible haste. Until recently the methods of flood control employed in foreign countries was to construct walls and dikes and deepen the channels, etc., but in recent years the principal countries of Europe have adopted the storage-reservoir plan.

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Great reservoirs have been located at the headwaters of the Volga and Msta Rivers in Russia. Germany has adopted the reservoir plan for the control of floods on the Wupper River, the Ruhr, the Rur, the Neckar, the Weiseritz, the Weser, and many others. Austria uses storage reservoirs on tributaries of the Oder and Elbe. France and Spain also have adopted to some extent the reservoir plan of controlling floods.

The reservoir plan would not only safeguard the lower valley against floods almost entirely, and, with the assistance of some work on the lower part of the stream itself, would completely protect it, but would also make possible the maintenance of a satisfactory low-water level. Mr. Cooley states that he could raise the average low-water level of practically any navigable stream two or three times its ordinary depth by a proper system of up-stream reservoirs. If this be true, it would not only greatly improve the navigability of the stream, but the draining of swamp lands which would be possible would very much improve sanitary conditions. Then the water power which could be produced as a result of such a system of reservoirs would be tremendous. According to the Geological Survey, the water power potential in the ordinary flow of our streams is fifty or sixty million horsepower. They estimate that the complete control of our waters would represent a potential of over 200,000,000 horsepower. According to Mr. Cooley, the actual horsepower produced from all sources at present is 18,000,000 horsepower, although the potential is 30,000,000 horsepower. He states that all the coal mined to-day would produce about 40,000,000 constant horsepower. The actual water power in use to-day is only about 6,000,000 horsepower. Looking at the matter from the standpoint of water power alone, therefore, there could be more than enough derived in revenue from it alone to pay for all these improvements in a short time, whereas in the building of levees only, the Government is constantly laying out money without any possibility of procuring returns. In addition to the advantages already mentioned, the water stored in great reservoirs could be used to irrigate the lands within a reasonable distance and make it possible even in so-called humid regions to intensify farming so as produce multiple crops each season.

The means suggested here are not the only ones which could be utilized so as to prevent damage from water and utilize it to advantage but for practical purposes they would control the flood waters.

The proper course to pursue is to provide for a council consisting of the Secretaries of the different departments of the Government which are directly interested in the use and control of water.

I have therefore provided in a bill, which I offer as a substitute for the bill reported by the majority of the committee, that there shall be created a national waterways council. This council is to consist of the President of the United States as chairman, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of War, the Secretary of Commerce, and the chairman of the water control board, which is also provided for in the bill. The creation of such a council would make it possible to correlate the plans of these different departments. The water control board, already referred to, is to consist of a chairman, to be appointed by the council, and each head of a department having membership shall appoint a highly qualified

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representative, who shall be an Assistant Secretary in the department from which he is appointed. This board shall prepare for the consideration of the council a general and comprehensive program of water and waterways conservation, regulation, development, and utilization. In this way the departments will avoid working at cross purposes in their particular sphere of activity. This plan is practically the same as that proposed to the President in February of this year by the Secretaries of Interior, Agriculture, and Commerce. The following is a copy of the letter addressed to the President by the Secretaries referred to.

WASHINGTON, *February 26, 1916.*

DEAR MR. PRESIDENT: In accordance with your suggestion, we beg to present a résumé of our views as to the practicable way of dealing with the problem of so regulating and handling our rivers that they will be made to be of greater use and of less injury to the Nation.

We do not feel the necessity for emphasizing the need for such legislation. Each recurring year makes plain the greatness of the work that must be undertaken if we are to keep our rivers within their banks. The floods of each year take their toll in property and lives. Our streams are filling with silt and their channels becoming less certain and reliable as nature's primal highways. Vast bodies of lands of the richest alluvial character are submerged so large a portion of the time as to be of no value to the Nation and of no service to the world. Therefore, to make more navigable our streams, to protect the cities and farms already established and to make a place for others, to save life and increase our crops, to conserve the waters on the higher reaches of the streams where they may be used for needed irrigation, and to convert their fall into electric power, these are the chief end to be reached by river improvement.

It is now time, we believe, to urge a comprehensive and constructive plan of river development upon Congress, a plan which recognizes the magnitude of the problem, the impossibility of dealing with it by temporary expedients, and that looks definitely to the time when the flood evils of to-day will be remedied and the waters put to their highest use. This means nothing less than a study under one responsible authority of the problems and possibilities of each river and after such study a determination upon a definite policy with regard to it and the commitment of the Government to the pursuit of such policy. It has been suggested that an adequate lump sum and continuing fund for carrying on such national work shall be placed in the hands of a commission composed of the President and four of his Cabinet, which fund shall be expended upon such projects as it sees fit. We do not think this plan in its logical entirety necessary to the end in view.

We do believe, however, that the Congress should commit itself to a comprehensive policy of river development, involving the expenditure over a long period of a large sum of money, with sufficient appropriations immediately available for continuing the work on the lower Mississippi, substantially in accordance with the plans of the Mississippi River Commission and for taking the necessary preliminary steps for the study of problems and the projection of work on other parts of the Mississippi and of other rivers. It should study each river system, and, as projects are developed, reports with recommendations for expenditure should be made to Congress, with the understanding that Congress, on the basis of the data furnished, would provide sufficient sums for the continuous prosecution of the work. There are precedents for this course, such as the Panama Canal and the Alaskan railroad projects. In these cases Congress determined that such enterprise should be undertaken—the general lines of development—and, in a sense, pledged itself to award the money necessary for the completion of the enterprise within a limited time, leaving the details of the plans and their execution to executive bodies.

We believe that for the execution of such a policy the Congress should authorize a national waterways council, composed of the President and the four heads of departments most concerned, War, Interior, Agriculture, and Commerce, and a subordinate water control board, composed of a highly qualified representative from each of the four departments and of such engineers or other officials as the Congress may authorize. The four department representatives of the latter board should have such standing in the departments and such functions as would enable them to secure such data and services in connection with the work from the various bureaus in the departments as may be serviceable and necessary. The national waterways council should be authorized to direct and control the general policy and procedure of the water control board

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and other agencies charged with the execution of the work, to establish the necessary rules and regulations, to consider and approve plans, the distribution of funds under authorization from the Congress, to decide questions of conflict, and to report to Congress. The latter board should be authorized to coordinate and invoke the services of the necessary bureaus and agencies of the Government, to make preliminary surveys and detailed plans for work in various areas, to prepare estimates, to study the activities of the States, municipalities, organizations, and individuals in water regulation, to prepare a general program of water and waterways regulation and development involving the combined resources and cooperation of all the agencies, to recommend to the council for approval the assignments for the different bureaus or services of the departments, to complete statements of the work already accomplished, and immediately to supervise the prosecution of the work under the plans approved. It would be understood that in the meantime there should be no interference with the execution of the existing plans of the Mississippi River Commission for the work of the lower Mississippi, and that these plans should proceed as outlined unless it should become clear that improvements could be made.

The most pressing call for help has come and continues to come from the lower Mississippi. As to this river, what may be determined defensive plans have been elaborated by the eminent body of national officials who are now prepared to proceed with their work to its completion. Their embarrassment arose out of the fact that they can not plan for the execution of their work continuously and for a sufficiently long period, owing to the fact that each year the work must wait on the appropriations for that year. There would seem to be every reason for prosecuting these plans vigorously, and later as investigations proceed for supplementing these works with others of a constructive nature higher up the river, and for undertaking as soon as possible projects on other rivers.

To summarize, we recommend—

1. That Congress declare its purpose to deal with our river problems in a comprehensive way, involving a large ultimate expenditure of funds and the immediate expenditure of considerable amounts, and the creation of machinery intimately related to the executive branch of the Government.

2. That the boards and the other parts of the machinery provided for shall be directed to continue the work on the lower Mississippi substantially under existing plans, and to proceed with the investigations and the elaboration of plans on other parts of the Mississippi River and other rivers of the Nation.

3. That all the available agencies of the Government shall be coordinated in this endeavor to improve and protect our rivers, to control floods, to utilize waters, and to reclaim valuable lands and make the necessary reports to Congress as bases for additional appropriations.

4. That the expenditures for this work should, in the main, be met by the sale of national bonds, and that the lands benefited should be made to bear a proportion of such expenses, agreements in this regard to be submitted to the Congress as part of the plan for development.

Cordially, yours,

FRANKLIN K. LANE.
D. F. HOUSTON.
WILLIAM C. REDFIELD.

The PRESIDENT,
The White House.

The following is a copy of the substitute which I propose for the bill reported by the majority of the committee. Strike out all after the enacting clause in H. R. 14777, and insert the following:

That the sum of $50,000,000, to be apportioned as hereinafter provided, is hereby reserved, set aside, appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury, to be known as the "river-regulation fund," to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes and with each other, and by the coordination of and cooperation between rail and water routes and transportation, and the establishment and maintenance of adequate terminal and transfer facilities and systems, and their maintenance, improvement, and protection, and by the making of examinations and surveys and by the construction of engineering and other works and projects for the regulation and control of the flow of rivers and their tributaries and source streams, and the standardization of such flow, and by the maintenance of navigable stages of water at all seasons of the year in the waterways of the United States, and by prevent-

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ing silt and sedimentary material from being carried into and deposited in waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection, through the establishment, construction, and maintenance of natural and artificial reservoirs and detention basins for water storage and control, and levees, revetments and other bank-protective works, spillways, wasteweirs, wasteways, by-passes, controlled outlets, and flood-control works of every nature and kind, and the protection of watersheds from denudation, erosion, and surface wash, and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands, and the building of drainage and irrigation works in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries but also through controlling them in fixed and established channels in the lower valleys and plains and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, by purchase, condemnation, or otherwise, holding, using, leasing, hiring, and transferring by appropriate deed lands and any other property that may be needed for the aforesaid purposes, or which it may be deemed advisable to dispose of, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act.

NATIONAL WATERWAYS COUNCIL.

SEC. 2. That a national waterways council, hereinafter called the council, is hereby created, consisting of the President of the United States as chairman, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of the water control board, to be appointed as hereinafter provided.

The council shall have authority to direct and control all proceedings and operations and all things done or to be done under this act, and to establish all rules and regulations which may, in their judgment, be necessary to carry into effect such direction and control consistent with the provisions of this act and with existing law and with any provisions which Congress may from time to time enact.

All plans and estimates prepared by the water control board, as hereinafter provided, which contemplate or provide for expenditures from the river-regulation fund shall be submitted to the council for final approval before any of the expenditures therein provided for or contemplated are authorized or made or any construction work undertaken or contracts let under or in pursuance of such plans: *Provided*, That in case of an emergency the chairman of the water control board shall have full power to act, and shall report in detail his action in every case to the council at its next meeting after his action.

WATER CONTROL BOARD.

SEC. 3. That to assist in carrying out the purposes aforesaid the council may utilize the various agencies of the Government, and there is hereby created a water control board, hereinafter called the board, which shall consist of a chairman, to be appointed by the council, and four assistant secretaries, to be appointed as hereinafter provided, and such additional members as the council may from time to time appoint. The chairman of the board shall receive a salary of $12,000 per annum, each assistant secretary aforesaid shall receive a salary of $10,000 per annum, and said additional members of the board such salaries as the council may from time to time fix. Subject to the direction and control of the council as to general policy and procedure, it shall be the duty of the board to ascertain in detail the work in progress and obtain plans, recommendations, and estimates of the work contemplated in the general field of water conservation, control, and utilization by the various agencies of the Government, States, counties, municipalities, districts, communities, corporations, associations, and individuals, and on the basis of such information and the results obtained by its own surveys and investigations to prepare for the consideration of the council a general and comprehensive program of water and waterways conservation, regulation, development, and utilization, extending through a number of years, with comprehensive general plans for each watershed, treating the entire watershed of each river as a unit, and with specific projects, plans, estimates, and recommendations, involving independent work by the United States and the combining of resources and energies of the various public and private agencies aforesaid; to coordinate and bring

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into conference the various agencies of the Government; and to examine, compare, adjust, allot, assign, and supervise their work, to the end that duplication may be avoided and the highest efficiency obtained; by agreement to assign to the various cooperating agencies the work to be done by them within their respective spheres; to accept, on behalf of the United States, from such agencies contributions of money and property of any kind to be used for carrying out the purposes authorized by this act; to make field inspection of all work done or contemplated under this act by the Government and its cooperating agencies; and to employ such engineers, transportation experts, experts in water development, constructors, and other employees, and to construct such buildings and works as may be necessary for those purposes. The board is hereby authorized to expend from the sum herein provided such amounts as may be necessary for services of employees in the city of Washington, District of Columbia, and elsewhere; to pay therefrom such sums as may be necessary for office accommodations in the city of Washington, District of Columbia, and elsewhere, and to purchase such law books, books of reference, periodicals, engineering, statistical, and professional publications as may be needed. Contributions received under this section shall be used by the board, under the direction of the council, for carrying out the purposes of this act, and money so received shall be paid into the river-regulation fund herein created. Subject to the approval of the council, the board is authorized to enter into such contracts or carry on by hired labor or otherwise such work as may be necessary for carrying out the purposes of this act, within the limits of appropriations made or authorized by this act or appropriations or contributions which shall tbe hereafter made or authorized from time to time, or as may be necessary for executing projects under this act within the respective limits of cost thereof approved by the Congress, the funds for which shall have been provided by the Secretary of the Treasury in accordance with the authority conferred by this act. Subject to the approval of the council the board may also employ the various agencies of the Government in carrying out such purposes or executing such projects.

COOPERATION WITH STATES AND OTHER AGENCIES.

SEC. 4. That the board shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of States, municipalities, public and quasi public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to such extent and in such amounts as the council shall determine to be a just and equitable apportionment of work, costs, and benefits under all the circumstances in each case; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and promote the general welfare, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States.

APPOINTMENT OF WATER-CONTROL BOARD.

SEC. 5. That each head of a department named in this act is authorized to appoint, with the approval of the council, for service as a member of the board, a highly qualified representative, who shall be an assistant secretary in the department in which he is appointed; shall devote his time primarily to the work authorized by this act; shall have, subject to the direction of the head of the department, such general supervision and control as may be necessary for the purposes of this act of the agencies within the department engaged upon such work; shall serve during good service and behavior; and shall be removable by the head of the department only for good cause.

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RIVER-REGULATION FUND.

SEC. 6. That no sums shall be paid out of the river-regulation fund except on vouchers signed by the chairman of the board or by an official designated by him in writing, drawn on the Secretary of the Treasury. To provide for carrying out the projects formulated under this act, which involve expenditures in excess of the $50,000,000 herein appropriated to the river-regulation fund, the appropriation hereafter to the credit of said fund of such sums as may be necessary is hereby authorized. At any time that the Secretary of the Treasury shall determine it to be necessary or advisable, in order to provide all or any part of the appropriation made or authorized by this act or which may be hereafter made or authorized or to provide revenues to execute a project under this act, which shall have been approved by the Congress, he may issue and sell, or use as a means of borrowing money, bonds in the necessary amount, in accordance with the provisions of the act of August fifth, nineteen hundred and nine (Thirty-sixth Statutes at Large, pages eleven and one hundred and seventeen), the act of February fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page one hundred and ninety-two), and the act of March second, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page one thousand and thirteen). The sums appropriated or provided by the Secretary of the Treasury pursuant to this section shall be paid into the river-regulation fund and shall be available until expended and paid out as provided for in this act. All moneys received in connection with any operations under this act as well as from the sales of materials utilized and any condemned property, shall be covered into the "river-regulation fund" and be available for expenditure therefrom. It is the intent and purpose of this act to authorize and empower the council and the board and their officers, agents, and employees to do all necessary acts and things in addition to those specially authorized in this act to accomplish the purposes and objects hereof.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. } REPORT No. 617.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

APRIL 29, 1916.—Ordered to be printed.

Mr. BYRNS of Tennessee, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 12207.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 29, 43, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 67, 73, 74, 75, 82, 83, 84, 87, 90, 94, 96, 97, 103, 106, 107, 108, 109, 110, 114, 115, 119, 121, 123, 124, 125, 126, 129, 133, 134, 136, 138, 139, 142, 147, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 175, 177, 187, 191, 194, 195, 205, 206, 211, 212, 215, 216, 219, 221, 222, 224, and 225.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 48, 65, 66, 70, 71, 72, 76, 77, 85, 86, 91, 92, 93, 98, 99, 100, 101, 102, 104, 105, 111, 112, 113, 116, 127, 128, 131, 132, 135, 137, 141, 144, 145, 146, 149, 150, 152, 153, 155, 172, 173, 174, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190, 192, 196, 197, 198, 199, 200, 201, 202, 204, 207, 210, 213, 217, 218, 220, 226, 227, and 228, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

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Transpose the matter inserted by said amendment to follow the word "each" in line 18, page 2 of the bill; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$80,445*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$18,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *traveling expenses and per diem in lieu of subsistence of the superintendent and his assistants not to exceed $200*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows:

In lieu of the number proposed insert *twenty-eight*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows:

In lieu of the number proposed insert *thirty-nine*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$285,730*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendment insert the following:

For the following further additional force: Officers to aid in important drafting work—one $4,500, one $2,500, to be appointed by

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the Secretary; assistant solicitor of the department, to be appointed by the Secretary, $2,500; law clerks—two at $2,250 each, one $2,000, to be appointed by the Secretary; clerks—eight of class four, seven of class three, ten of class two, ten of class one; messenger; two assistant messengers; three laborers, at $600 each; five female laborers, at $240 each; in all, $72,880.

No money appropriated by any other act shall be used during the fiscal year nineteen hundred and seventeen for employment and payment of personal service in the Department of State at Washington, District of Columbia.

And the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$4,500*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$71,250*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows:

In lieu of the number proposed insert *fourteen*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In lieu of the number proposed insert *seventeen*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$139,430*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

For the employment of temporary clerical help in the Office of the Commissioner of Internal Revenue at rates to be fixed by the commissioner with the approval of the Secretary, $10,000.

And the Senate agree to the same.

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Amendment numbered 88:

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *$1,700,000, and authority is hereby given to use $40,000 of said sum for the employment in the District of Columbia of necessary clerical and other personal services and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

Hereafter the Commissioner of Internal Revenue shall determine and designate the posts of duty of all employees of the Internal Revenue Service engaged in field work or traveling on official business outside of the District of Columbia, and when ordered from their designated posts of duty all internal-revenue agents appointed under section thirty-one hundred and fifty-two, Revised Statutes, as amended, and cotton-futures attorneys, may be granted per diem in lieu of subsistence not exceeding $4, and, when ordered from their designated posts of duty, income-tax agents and inspectors, special gaugers, and special employees may be granted a per diem in lieu of subsistence not exceeding $3, the per diem in lieu of subsistence to be fixed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury.

And the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$145,840*; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows:

In lieu of the number proposed insert *twenty*; and the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$16,800*; and the Senate agree to the same.

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Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

For purchase of two motorcycles at $250 each, and for the upkeep of same at $144 each, $788.

And the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$36,879*; and the Senate agree to the same.

Amendment numbered 130:

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$81,740*; and the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$53,150*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$62,150*; and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows:

In lieu of the number proposed insert *eleven*; and the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$121,990*; and the Senate agree to the same.

Amendment numbered 193:

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$179,340*; and the Senate agree to the same.

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Amendment numbered 203:

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *including exchange on official checks, $125,000*; and the Senate agree to the same.

Amendment numbered 208:

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$37,780*; and the Senate agree to the same.

Amendment numbered 209.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$24,000*; and the Senate agree to the same.

Amendment numbered 214:

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$311,720*; and the Senate agree to the same.

Amendment numbered 223:

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows:

At the end of the matter inserted by said amendment insert the following:

: Provided, That the Secretary of Labor may renew for the fiscal year nineteen hundred and seventeen a lease of the premises now occupied by the Department of Labor at an annual rental not exceeding $24,000.

And the Senate agree to the same.

Amendment numbered 229:

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

Sec. 6. That unless otherwise specially authorized by law no money appropriated by this or any other act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum, but this shall not apply to retired officers of the Army, Navy, or Marine Corps whenever they may be appointed or elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate or to officers and enlisted men

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of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia.

And the Senate agree to the same.

THOMAS S. MARTIN,
LEE S. OVERMAN,
REED SMOOT,
Managers on the part of the Senate.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 16, 17, 18, and 19, relating to the Senate: Appropriates for the salaries of employees and for expenses of the Senate as proposed by that body.

Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32, relating to the Library of Congress: Provides for two additional assistants in the reading rooms at $600 each; strikes out an assistant at $900 proposed for the Division of Semitic and Oriental Literature; provides for an additional assistant at $1,100 and one at $1,000 for service in connection with the distribution of card indexes; appropriates for two additional watchmen and a carpenter at $900 each, and strikes out provision for two additional laborers at $540 each in the office of the superintendent of the building and grounds; appropriates $4,000 for resurfacing the west driveway and repairs to the stone curbing, and $2,500 for refitting of boiler room and coal vaults.

Nos. 33, 34, 35, and 36, relating to the Botanic Garden: Appropriates $18,000, instead of $19,500 as proposed by the Senate and $17,000 as proposed by the House, for assistants and laborers; authorizes the use of not to exceed $200 for traveling expenses and per diem of the superintendent and his assistants; provides for the purchase and maintenance of a motor-delivery vehicle; and appropriates $11,903, as proposed by the Senate, instead of $9,000 as proposed by the House, for miscellaneous and contingent expenses.

Nos. 37, 38, 39, 40, 41, and 42, relating to the Office of the President; Provides for additional clerks and messengers in the office of the President, as proposed by the Senate.

Nos. 43, 44, 45, 46, 47, and 48, relating to the Civil Service Commission: Strikes out the additional clerk of class 4, proposed by the Senate; provides for 28 clerks of class 3, instead of 30 as proposed by the Senate and 26 as proposed by the House; provides for 39 clerks of class 2, instead of 42 as proposed by the Senate and 36 as proposed by the House; strikes out the increase of $2,000 in the sum for traveling expenses; and increases the amount for field examiners from $5,700 to $7,500.

Nos. 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67, relating to the Department of State: Strikes out the

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change of title proposed from "Counselor for the department" to "Undersecretary of State"; provides for the additional employees, proposed by the Senate, with salaries aggregating $72,880, but transposes and groups them in a separate paragraph; strikes out the lump sum of $30,000 for emergency clerical services, proposed by the House; appropriates $2,000 additional for stationery, etc., and $2,720 additional for miscellaneous expenses, as proposed by the Senate; and strikes out the increase of $7,880 in the sum for rent of buildings.

Nos. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86, relating to the Treasury Department: Fixes the salary of the Chief of the Customs Division at $4,500, instead of $4,000, as proposed by the House and $4,800 as proposed by the Senate; increases the pay of the foreman of the vault, safe, and lock shop from $1,100 to $1,200, and the pay of a messenger boy from $480 to $600 in the Supervising Architect's Office; strikes out the appropriation of $250 for law books for the Comptroller of the Treasury; strikes out the additional clerk at $1,000, proposed in the Office of the Auditor for the War Department; transfers a helper at $900 from the Bureau of Engraving and Printing to the Office of the Auditor for the Navy Department; provides for 14 clerks of class 4, instead of 13, as proposed by the House and 16 as proposed by the Senate; and 17 clerks of class 3, instead of 15, as proposed by the House and 18 as proposed by the Senate, in the Office of the Auditor for the Interior Department; appropriates $10,000 instead of $20,000, as proposed by the Senate, for temporary clerical help in the Office of the Commissioner of Internal Revenue; strikes out the change in designation proposed from "watchmen" to "guards" in the Bureau of Engraving and Printing; increases the appropriation for investigation and experimentation in methods of administration from $10,000 to $15,000, as proposed by the Senate; and strikes out the paragraph inserted by the House limiting the price to be paid for gas in public buildings of the United States in the District of Columbia to a maximum of 70 cents per 1,000 feet.

Nos. 87, 88, and 89, relating to the Internal-Revenue Service: Strikes out the paragraph, inserted by the Senate, granting not to exceed 30 days' leave of absence in any calendar year to all internal-revenue agents, inspectors, and cotton-futures attorney; appropriates $1,700,000, instead of $1,600,000 as proposed by the House and $1,750,000 as proposed by the Senate, for collection of the income tax; authorizes the use of $40,000, instead of $90,000 as proposed by the Senate, of the sum for collecting the income tax for personal services and expenses in the District of Columbia; and inserts the paragraph, proposed by the Senate, modified to require the Commissioner of Internal Revenue to designate and determine the posts of duty of all employees of the Internal-Revenue Service engaged in field work or traveling on official business outside of the District of Columbia, authorizes a per diem not to exceed $4 in lieu of subsistence to all internal-revenue agents appointed under section 3152, Revised Statutes, and cotton-futures attorneys when ordered from their designated posts of duty, and authorizes a per diem in lieu of subsistence of not to exceed $3 for income-tax agents and inspectors, special gaugers, and special employees when ordered from their designated posts of duty.

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Nos. 90 and 91: Strikes out the increase of $2,000, proposed by the Senate, in the appropriation for wages of workmen and other employees at the Denver, Colo., mint; and increases the amount for incidental and contingent expenses for the Deadwood, S. Dak., assay office from $500 to $1,500, as proposed by the Senate.

Nos. 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, and 106, relating to the War Department: Provides for an additional clerk of class 2 and an additional clerk at $900 and strikes out the provision for two assistant messengers at $600 each in the office of the Secretary of War; strikes out the increase of $200 proposed in the salary of the chief clerk of the Signal Office; provides for three clerks at $2,000 each in lieu of three clerks of class 4 in the office of the Quartermaster General; increases the pay of two translators in the office of the Surgeon General from $1,700 to $1,800 each; strikes out the paragraph, proposed by the Senate, exempting draftsmen engaged on manufacturing or constructing operations of the Government from the operation of the law restricting increases in salary paid from lump-sum appropriations; provides for an additional assistant messenger in the Division of Militia Affairs; and strikes out the increase of $5,000, proposed by the Senate, in the sum for stationery.

Nos. 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, and 122, relating to public buildings and grounds in Washington, D. C.: Strikes out the authority for the "purchase of park designs"; strikes out the change in designation from "park watchmen" to "park police"; strikes out the additional sergeant of park police at $900; provides for an additional day watchman at $840 in Potomac Park; strikes out the additional night watchman at $840 for the Smithsonian grounds, and provides for one additional night watchman at $840 for Lafayette, McPherson, Franklin, and Farragut Parks; provides for the purchase of two motorcycles at $250 each instead of one at $250, and $144 each for the upkeep of two motorcycles instead of $240 for the upkeep of one, as proposed by the House; and adjusts the amounts to be paid, respectively, by the United States and the District of Columbia.

Nos. 123, 124, and 125, relating to the State, War, and Navy Building: Strikes out the substitution of a clerk at $1,200 for a stenographer and typewriter at $900 and restores the paragraph stricken out by the Senate providing for the assignment of floor space by the commission in charge of the building.

Nos. 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156, relating to the Navy Department: Provides for a private secretary to the Assistant Secretary at $2,400 in lieu of a clerk of class 4 and strikes out the increase of $250 in the salary of the private secretary to the Secretary and the increase of $100 in the pay of a carpenter in the office of the Secretary of the Navy; provides for an additional clerk at $2,000 for the Bureau of Navigation; strikes out the additional clerk of class 4 proposed in the Office of Naval Intelligence; inserts authority for the exchange of passenger-carrying vehicles for the Naval Observatory; appropriates for two expert radio aids at $3,130 each and strikes out the additional clerk at $1,200 and the increase of pay of a laborer from $660 to $720, proposed for the Bureau of Steam Engineering; provides

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for an additional clerk of class 1 and strikes out the proposed additional clerk at $1,100 in the Bureau of Construction and Repair; provides for an additional clerk of class 4 in the Bureau of Ordnance; in the Bureau of Supplies and Accounts an additional clerk of class 4 is provided, 11 clerks, at $1,100 each, instead of 10 proposed by the House and 12 proposed by the Senate, are appropriated for, the proposed additional clerk of class 2 is stricken out, and the pay of a messenger boy is increased from $400 to $600; provides for an additional clerk at $1,000 and strikes out the increase of $600 for contingent expenses for the Division of Militia Affairs; authorizes the purchase, maintenance, operation, repair, or exchange of an automobile wagon and strikes out the increase of $3,000 proposed in the sum for miscellaneous items for the Navy Department.

Nos. 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, and 172, relating to the Interior Department: Strikes out the additional clerks and copyists proposed to be transferred to the General Land Office, strikes out the proposed increase of $2,000 in the sum for per diem of examiners and clerks, and appropriates $3,000 for separate State and Territorial maps as proposed by the House instead of $1,500 as proposed by the Senate; restores the provision, stricken out by the Senate, relative to the filling of vacancies in the classified service of the Pension Bureau; strikes out the additional examiner of interferences at $2,700, the two second assistant examiners of trade-marks and designs at $2,100 each, and the lump sum of $10,000 for special and temporary services of stenographers for the Patent Office, and increases the amount for the weekly issue of patents from $125,000 to $140,000 as proposed by the Senate.

Nos. 173, 174, and 175: Increases the amount for clerk hire in the office of the surveyor general of Utah from $16,000 to $17,240 and restores the paragraph stricken out by the Senate authorizing the use of $25,000 of the fund, deposited by the railroads for survey of lands, for office work in the surveyor generals' offices and in the General Land Office.

Nos. 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, and 187, relating to the Post Office Department: Provides for the salaries and number of employees as proposed by the Senate and strikes out the increase of $5,000 proposed in the appropriation for furniture and filing cabinets.

Nos. 188, 189, and 190, relating to the Department of Justice: Inserts the paragraph, proposed by the Senate, authorizing the lease of a modern fireproof office building for a period not to exceed five years at an annual rental not exceeding $36,000 and at a rate per annum per square foot of available floor space not to exceed 36.3 cents, and provides for an additional law clerk at $2,000 in the Office of the Solicitor of the Treasury.

Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, and 221, relating to the Department of Commerce: Strikes out the proposed additional clerk at $1,800 and increases the pay of an assistant engineer from $800 to $1,000 in the Secretary's office; strikes out the additional draftsman at $1,800 proposed in the Bureau of Lighthouses; provides for 40 clerks of class one in lieu of 30 clerks at $1,000 and 10 clerks at $900, and provides for an unskilled laborer

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at $720 in lieu of a skilled laborer at that salary in the Census Office; provides that the Director of the Census may procure information for tobacco reports by mail or by special agents, or by other employees of the Bureau of the Census; strikes out the increase of $25,000 proposed in the appropriation for "promotion and development of foreign and domestic commerce," and authorizes the payment of exchange on official checks from this appropriation and the sum for "commercial attachés"; strikes out the increase of $9,000 proposed in the appropriation for clerk hire for the Steamboat-Inspection Service at large; strikes out the increase of $500 proposed in the salary of the commissioner and provides for two additional clerks at $1,000 each in the Bureau of Navigation; appropriates $24,000 instead of $22,000 as proposed by the House and $33,500 as proposed by the Senate, for the enforcement of navigation laws; increases the sum for inspection of passenger and excursion vessels from $15,000 to $18,000, as proposed by the Senate; strikes out the increase of $4,200 proposed in the appropriation for enforcement of wireless-communication law; strikes out the additional clerk of class four and provides for an additional clerk of class three in the Bureau of Standards; strikes out the increases of $25,000 for structural materials investigations, of $15,000 for investigation of fire-resisting properties of building materials, and of $5,000 for testing and standardizing machines, motors, etc.; inserts the increase of $15,000 for public utilities investigations, the appropriation of $10,000 for investigation of pottery, brick, tile, etc., and appropriates $10,000, as proposed by the House, instead of $5,000, as proposed by the Senate, for color standards and methods of color manufacture and color measurement and strikes out the words "specifically extending this investigation to cottonseed oil."

Nos. 222 and 223, relating to the Department of Labor: Strikes out the increase of $2,000 in the sum for contingent expenses to be used for repairs to the Mills Building and inserts the paragraph authorizing the lease of a modern fireproof building for a period of not to exceed five years, at an annual rental not to exceed $24,000 and at a rate per annum per square foot of available floor space not to exceed 36.3 cents, with additional authority to renew for the fiscal year 1917, a lease of the premises now occupied by the department, at an annual rental not exceeding $24,000.

Nos. 224 and 225: Strikes out the provision inserted by the Senate for nine law clerks, one for the Chief Justice and one for each Associate Justice, at not exceeding $3,600 each per annum.

Nos. 226 and 227: Extends the limitation on the price to be paid for typewriters to all appropriations made for the support of the Government and inserts the provision, proposed by the Senate, requiring the Commissioner of Patents to advise the comptroller as to the changes in the construction of typewriters.

No. 228: Inserts the provision proposed by the Senate to exempt the Department of Justice from the limitation on the detail of employees in the classified service at Washington, D. C., for service outside of the District of Columbia.

No. 229: Inserts section 6, proposed by the Senate, prohibiting the payment of more than one salary to any person where the combined salaries exceed $2,000, modified so that the section shall not operate where more than one payment is specially authorized by law, and

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shall not be effective in the case of officers and enlisted men of the Organized Militia and the Naval Militia of the States, Territories, and the District of Columbia.

The bill, as finally agreed upon, appropriates $37,925,690.25. This sum is $284,312 less than the bill as it passed the Senate, $309,641 more than the bill as it passed the House, $1,020,890.50 more than the act for the current year, and $1,823,687 less than the estimates submitted to Congress.

JOSEPH W. BYRNS,
T. U. SISSON,
JAMES W. GOOD,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 618.

INDIAN APPROPRIATION BILL.

APRIL 29, 1916.—Ordered to be printed.

Mr. STEPHENS of Texas, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 10385.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, 149, and 157.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155 and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In line 7 of said amendment strike out the word "the" and insert in lieu thereof the word *Indian*, and in line 8 of said amendment strike out the word "the" and insert in lieu thereof the word *such*; and the Senate agree to the same.

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Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

In line 1 of said amendment strike out the word "to" and insert in lieu thereof the following: *$5,000 of which shall*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

Provided further, That not more than $200,000 of the amount herein appropriation may be expended for the tuition of Indian children enrolled in the public schools.

And the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *Two permanent warehouses*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

For beginning the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Arizona, as recommended by the Board of Engineers of the United States Army in paragraph two hundred and seventeen of its report to the Secretary of War of February fourteenth, nineteen hundred and fourteen (House Document Numbered Seven hundred and ninety-one), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section two of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two), the total cost not to exceed $200,000.

And the Senate agree to the same.

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Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Arizona, as estimated by the Board of Engineer Officers of the United States Army in paragraph one hundred and thirty-eight of its report to the Secretary of War of February fourteenth, nineteen hundred and fourteen (House Document Numbered Seven hundred and ninety-one), $75,000, to remain available until expended, the total cost not to exceed $175,000: Provided, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Arizona: And provided further, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: And provided further, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section two of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August thirteenth, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and eighty-six): And provided further, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible.

And the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately six hundred acres of land in addition to the area to be irrigated by said

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project, as authorized in section two of the act of August twenty-fourth, nineteen hundred and twelve, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows:

In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: *$10,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of one hundred Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000 in all, $26,400.

And the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation.

And the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kansas: Provided, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: And provided further, That any

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and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: And provided further, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose.

And the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

Strike out the following language of the amendment:

"Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said Act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota."

And the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows:

In line 6 of said amendment strike out the following: "at Keewaton Academy, Wisconsin," and the comma; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows:

In line 1 of said amendment, after the word "balance," insert the following: *of $3,436.03*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In line 2 of said amendment strike out the figures "50,000," and insert in lieu thereof *$25,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: Provided, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck

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irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: Provided further, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

And the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, five per centum of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in fifteen annual installments, the first five of which shall each be five per centum of the construction charge and the remainder shall each be seven per centum of the construction charge. The first of the annual installments shall become due and payable on December first of the fifth calendar year after the initial installment: Provided, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: Provided further, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their

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heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: Provided, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: Provided further, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this Act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: Provided, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

And the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebraska; also to reconstruct one span of ninety feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior*; and the Senate agree to the same.

Amendmenut numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$91,100*; and the Senate agree to the same.

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Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of two hundred and ninety Indian pupils at the Indian school at Carson City, Nevada, including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430.

And the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows:

In line 4 of the amendment, after the figures "$15,000," strike out the period, insert a colon and the following:

Provided, That no part of this appropriation shall be expended for mileage, salaries, or expenses of employees.

And the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows:

In line 2 of the amendment strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of three hundred and fifty Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150.

And the Senate agree to the same.

Amendmenut numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of two hundred and twenty Indian pupils at the Indian school, Wahpeton, North Dakota, and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540.

And the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following:

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To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section thirty-four, township one hundred and sixty-four north, range seventy west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary.

And the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Oklahoma, for the purchase of allotments in Oklahoma, as provided for in the Act of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page seventy-seven), for the three adult heads of families who have not heretofore received allotments.

And the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: "*except that the Secretary of the Interior is hereby authorized within thirty days after the passage of this Act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles M. Fechheimer and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same*; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$15,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows:

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In lieu of the matter proposed insert the following: *$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: Provided, That the unused balance of $9,830 of the amount appropriated by the Act of August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and two), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oregon, under such rules and regulations as he may prescribe.

And the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *$67,500: Provided, That the unexpended balance of $1,607.44 appropriated by the Act approved August first, nineteen hundred and fourteen, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June tenth, nineteen hundred and fourteen, at Flandreau Indian School, South Dakota, is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school*; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian Reservations, adequate school facilities for the children of the Sioux tribes who are now without Government or public school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, nineteen hundred and seventeen, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available.

And the Senate agree to the same.

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Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows:

In line 7 of said amendment, after the word "highway," insert a comma and the following: *reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available.

And the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed twenty acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the Act approved August first, nineteen hundred and fourteen (thirty-eighth Statutes at Large, page five hundred and eighty-four), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State.

And the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$5,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands" within the boundaries of the

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Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: Provided, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made.

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

Sec. 27. On the first Monday in December, nineteen hundred and seventeen, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: Provided, That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: Provided further, That this shall not change existing law with reference to the Five Civilized Tribes.

And the Senate agree to the same.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Makes the reimbursable appropriation for repairs and maintenance of irrigation ditches available until expended.

No. 5. Increases limit of cost of hospitals from $15,000 to $17,500, which are now under construction.

No. 9. Strikes out the word "and" and inserts the word "or" to include blind children so they can receive benefit of the fund to educate Indian children.

No. 13. Provides that hereafter Indian farmers must hold and file a certificate of competency from some college recognized before employment in the service.

No. 16. Increases the reimbursable appropriation for determining heirs of deceased Indian allottees $10,000.

No. 17. Permit the use of $25,000 of the reimbursable appropriation for determining heirs of deceased Indian allottees for employment of clerks in the Indian Office here.

No. 18. Correct total in accordance with amendment 16.

No. 19. Strikes out the word "heir" and insert "heirs."

No. 20. Places a limit of value of $250 or more upon an heirship in order to charge the fee for determining the heirs.

No. 21. Permits the partition of an allotment of a deceased Indian regardless of competency of heirs.

No. 22. Permits extension of trust period specified in patent to incompetent heirs if necessary.

No. 24. When an Indian allottee by reason of old age or incapability can not personally occupy their allotment that is susceptible of irrigation the Secretary of the Interior may, in his discretion, lease said allotment for a term not to exceed 10 years for benefit of said Indian.

No. 25. Any Indian who is mentally or physically incapable of managing his or her affairs may apply to Secretary of Interior, who may, in his discretion, withdraw from the Treasury any part of said Indian's pro rata share of funds to their credit and use for their benefit.

No. 27. An appropriation of $2,000 to pay Charles J. Kappler for compiling, annotating, and indexing the third volume of Indian Laws and Treaties.

No. 28. Provides that all bidders for supplies for goods furnished the Indian Service may deposit a certified check or approved bond to guarantee the fulfillment of contract instead of the money in amounts exceeding $5,000.

No. 29. Increases the appropriation $3,500 for the purchase of additional land adjacent to the Phoenix (Ariz.) Indian School.

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No. 33. Strikes out the words "to remain available until expended."

No. 39. Makes an appropriation of $3,000 for preservation and repair of prehistoric pueblo ruins and cliff dwellings in Arizona, under supervision of the Smithsonian Institution.

No. 46. Provides for an appropriation of $8,000 for erection of a barn at Haskell Institute, Lawrence, Kans.

No. 48. For traveling and incidental expenses amounting to $250, to Joseph Bradley, for appearing before Congress in behalf of Indians in Michigan.

No. 50. An appropriation of $3,000 to improve road and to blast out and deepen the ditch and creek leading to the Pipestone Indian School in Minnesota.

No. 51. Provides that not to exceed $60,000 of the $185,000 withdrawn from the trust funds of the Chippewas in Minnesota, and one-fourth of the interest on said tribal funds, may be used for school purposes and compensation of employees, and that $10,000 may be used for road improvements, and that $10,000 may be used for the installation of an electric-light plant at White Earth Agency, provided the residents pay a proportionate share.

No. 52. Provides for sale and conveyance at not less than appraised value of certain lands to independent school district 1 of Mahnomen County, Minn.

No. 53. Provides for the issuance of a fee patent to 40 acres of land on the Nett Lake Indian Reservation in Minnesota to the Methodist Episcopal Church.

No. 54. Appropriates not to exceed $25,000 from amounts derived from sale of timber of the Chippewa Indians in Minnesota, for payment of scalers and check scalers.

No. 56. Appropriates $6,000 out of tribal funds of the Chippewa Indians to pay expenses of general council of said tribe to meet in July, 1916.

No. 58. Amends the act of June 30, 1913 (38 Stat., L., p. 89), by appointing an Assistant Attorney General instead of a selection to be made by the Attorney General.

No. 60. Provides for the completion of the enrollment of allottees within the White Earth Reservation in Minnesota and appropriates $5,000 for that purpose.

No. 61. Provides for the establishment and administration of a forest reserve and for sale of timber within the Red Lake Indian Reservation in Minnesota.

No. 62. That lands within said Red Lake Indian Forest Reserve not covered with merchantable timber and suited for agricultural purposes and that front lake shores may be allotted to individual Red Lake Indians under certain conditions.

No. 63. Authorizes the Secretary of the Interior to issue permits or grant leases on such lands in said forest reserve covered in amendment 61, for a limited time.

No. 64. Authorizes the Secretary of the Interior to select not exceeding 200 acres in sections 20, 21, 28, and 29 for town-site purposes and to be held subject to future legislation of Congress.

No. 65. Provides for sale of timber on lands of the Red Lake Indian Reservation outside of the forest reserve created by amendment No. 61.

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No. 66. Authorizes investigation of condition of Indians living in Mississippi and appropriates $1,000 for that purpose.

No. 67. Corrects section number.

No. 68. Increases appropriation for civilization of Indians at Flathead Agency, Mont., from $14,000 to $20.000 and limits amount to expend in salaries to not exceeding $4,500.

No. 70. Appropriates $750,000 (reimbursable) for continuing construction of the irrigation system on the Flathead Indian Reservation, Mont.

No. 71. Appropriates $100,000 (reimbursable) for continuing construction of the irrigation systems on the Fort Peck Indian Reservation, Mont.

No. 76. Corrects section number.

No. 80. Is a reimbursable appropriation of $30,000 to pay drainage assessments and grant right of way for location of drainage ditches on lands belonging to Omaha and Winnebago Indians in Dixon, Wayne, and Thurston Counties, Nebr.

No. 81. Corrects section number.

No. 85. Corrects section number.

No. 86. Adds the words "in the vicinity of," so that additional land either adjoining or in the vicinity of may be purchased as a school farm for the Indian school at Albuquerque, N. Mex.

No. 89. Corrects section number.

No. 90. Corrects section number.

No. 93. Corrects section number.

No. 94. Makes the appropriation of $4,000 for sinking wells and improving the water system at the Fort Totten Indian School, North Dakota, immediately available.

No. 96. Authorizes the Secretary of the Interior from time to time within his discretion to withdraw from the Treasury money derived from sale of surplus lands and any interest thereon accrued belonging to the Fort Berthold Indians in North Dakota, and distribute same per capita or where any Indian is incompetent, said share may be withheld and deposited in some bank and used for benefit of said incompetent Indian.

No. 98. Is an appropriation of $1,497.44 to reimburse Benson County, N. Dak., for caring for certain insane Indians.

No. 99. An appropriation of $100 for the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief.

No. 101. Corrects section number.

No. 103. Corrects section number.

No. 104. An increase of $10,000 for expenses and administration of affairs of the Five Civilized Tribes and makes it immediately available.

No. 106. Authorizes the Secretary of the Interior to make a per capita payment of $300 to each Seminole Indian in Oklahoma, same to be paid out of their tribal or trust funds.

No. 107. An appropriation of $275,000 for the benefit and aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma.

No. 109. Authorizes the Secretary of the Interior to use tribal funds of the Choctaws, Chickasaws, Creeks, and Seminoles, Oklahoma, for school purposes.

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No. 111. Authorizes a settlement of a compromise of a suit between the United States and E. Dowden in regard to the Tuttle town site, Oklahoma.

No. 112. Corrects section number.

No. 114. Provides that the money derived from sale of lands belonging to Indians on the Siletz Indian Reservation, in Oregon, may be paid out to said Indians, share and share alike.

No. 115. Permits the withdrawal of not exceeding $1,000 from tribal funds of the Klamath Indians in Oregon, to pay the expenses of two delegates elected by their council to come to Washington.

No. 121. Corrects section number.

No. 122. Corrects section number.

No. 125. Strikes out the word "boiler" and inserts the word "boilers," to be installed at the Indian school, Pierre, S. Dak.

No. 126. Increases the appropriation $5,000 for the construction of a barn at the Indian school, Pierre, S. Dak., and corrects total.

No. 128. Corrects section number.

No. 130. An appropriation of $1,684 to reimburse the board of education of Box Elder County, State of Utah, for education of 23 Indian pupils during the years 1913 and 1914, and for the education of 21 pupils during the years 1914 and 1915.

No. 131. An appropriation of $832 for the education of 22 Indian pupils at Washakie, Box Elder County, Utah, for the years 1915 and 1916.

No. 134. Corrects section number.

No. 136. A reimbursable appropriation of $100,000 to pay the third installment for water supply of 40 acres of each Indian allotment on the Yakima Indian Reservation, in the State of Washington.

No. 138. Authorizes the Secretary of the Interior to lease for mining purposes the unallotted mineral lands on the diminished Spokane Reservation, in Washington.

No. 139. An appropriation, reimbursable, of $95,000 and authorizes the Secretary of the Interior to negotiate and pay for water rights for lands heretofore allotted to Indians situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Wash.

No. 140. Corrects section number.

No. 141. This amendment is intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribe of Indians enrolled under the act of March 3, 1893 (37 Stat. L., 744), the amount of payments made prior to their respective enrollments. Section 6 of the act of February 6, 1871, provided for the determination of the persons who were members of the Stockbridge and Munsee Tribe and their future relations to the Government. Two rolls were prepared, one containing Indians who it was thought desired to separate their relations from the tribe and become citizens, and the other those who desired to retain their tribal character and remain under the guardianship of the Government. It subsequently appeared that some of those Indians who were placed on the first roll did not desire to sever their relations with the tribe, and they were again enrolled under the provisions of the act of March 3, 1893 (37 Stat. L., 744–745).

No. 143. In order to train Indians in the use and handling of money, not exceeding $25,000 of the appropriation allowed may be

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paid them per capita or deposited in some bank for their use and benefit under such rules as the department may prescribe.

No. 144. That no lands of the Menominee Indians in Wisconsin shall be cleared for agricultural purposes, excepting such lands as have been heretofore completely cut over.

No. 145. Amends the act of March 28, 1908, by permitting the Secretary of the Interior to sell lumber, laths, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp, and other materials, under such rules as he may prescribe, and deposit the money in the Treasury for the benefit of the Menominee Indians in Wisconsin.

No. 148. Provides for the granting of flowage rights over unallotted Indian lands under rules and regulations prescribed by the Secretary of the Interior and consent of Indians, and the leasing of the allotted lands with consent of allottee for flowage and storage reservoir purposes, and allottee to determine, subject to approval of Secretary of the Interior, as to consideration therefor.

No. 150. A reimbursable appropriation of $6,500 for the completion of a road on the Red Cliff Reservation, in Wisconsin.

No. 151. Corrects section number.

No. 152. Reduces the appropriation 66 cents for repairs at the abandoned military post of Fort Washakie, Wyo.

No. 153. To enable the Secretary of the Interior to prepare and submit to Congress plans and estimates of cost for completing the irrigation of all irrigible lands in the Shoshone or Wind River Reservation, in Wyoming, to also include in the estimates for the ceded lands within said reservation.

No. 154. Places the appropriation back to amount allowed by the House, at $3,000.

No. 155. For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools from October 21 to November 11, 1912, $257.

On the following amendments the House conferees receded with modifying or substitute amendments to wit:

No. 2. Makes the provisions of sections 2140 and 2141, Revised Statutes, apply to beer as an intoxicating liquor, and the possession of intoxicating liquor in an Indian country prima facie evidence of unlawful introduction.

No. 7. Makes $5,000 of the appropriation for maintenance of the sanatoria for the Choctaw and Chickasaw Indians immediately available.

No. 10. Provides that $200,000 of the appropriation for day and industrial schools may be expended for tuition of Indian pupils in public schools.

No. 14. Provides for two permanent warehouses for use of Indian Service.

No. 26. Is an appropriation of $100,000 to reimburse Indians for live stock that may be hereafter destroyed on account of dourine.

No. 34. For beginning the construction of a dam with bridge superstructure for diverting the water of the Gila River in Arizona for irrigating Indian lands on the Gila River Indian Reservation. Reduces appropriation from $200,000 to $75,000 and limits the cost of said work to $200,000.

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No. 35. For beginning the construction of a diversion dam and necessary canals in Pinal County, Ariz., at or near Florence, for irrigation of Indian lands. Reduces amount appropriated from $175,000 tc $75,000 and limits cost of work to $175,000.

No. 36. For extension of the Ganado irrigation project in Arizona and makes it reimbursable.

No. 37. An appropriation of $10,000 for the purpose of making investigation, survey, and cost of practicable means of holding the Gila River in its channel in Graham County, Ariz.

No. 41. Increases the number of pupils, also appropriation for care of said increase allowed, and permits the purchase of additional land for school farm at the Indian school in Greenville, Cal.

No. 42. Makes the appropriation for improvement and construction of roads on the Yuma Indian Reservation in California reimbursable.

No. 47. Authorizes the Secretary of the Interior to withdraw from the tribal funds on deposit in the Treasury to the credit of the Potawatomi Indians, the sum of $10,000 for the construction of a bridge across the Big and Little Soldier Creeks on their said reservation.

No. 55. Strikes from the bill the entire paragraph.

No. 57. Strikes from the bill the words "Keewaton Academy, Wisconsin."

No. 59. Makes the unexpended balance of $3,436.03 available for payment of expenses incurred in preparing a roll of the Indians within the White Earth Reservation, Minn.

No. 72. Decreases the reimbursable appropriation for continuing construction of the irrigation systems on the Blackfeet Indian Reservation, Mont., from $50,000 to $25,000.

No. 74. The work to be done on the irrigation projects on the Blackfeet, Flathead, and Fort Peck Indian Reservations, Mont., may be done by the Reclamation Service with plans approved by Indian Bureau, and authority is also given that a limited amount of said appropriations may be used for purchase of motor vehicles, horses, and horse-drawn vehicles.

No. 75. That the Secretary of the Interior shall assess the charge for cost of irrigation projects as mentioned in amendment No. 74 against the persons who own the land and are receiving benefit of said system.

No. 78. An appropriation of $6,500 for repairs on the Government bridge across the Niobrara River in Nebraska.

No. 79. Corrects total.

No. 82. Increases the number of pupils at the Indian School, Carson City, Nev., and provides for their care.

No. 83. An appropriation of $15,000 to purchase homes, farm sites, water rights, and aid to nonreservation Indians in Nevada, also provides that no part of said appropriation shall be used for payment of salaries, mileage, or expenses of employees.

No. 84. Strikes out the words "to remain available until expended," in the appropriation for support and civilization and purchase of land and water rights for the Washoe Indians in Nevada.

No. 87. Increases the amount for repairs and improvements, and for the construction of an assembly hall at the Indian school, Santa Fe., N. Mex.

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No. 95. Increases the number of pupils and provides for their care at the Wahpeton Indian School, Wahpeton, N. Dak., decreases appropriation for repairs and improvements from $8,000 to $5,000, and provides for the construction of a new building to cost $20,000.

No. 97. Makes an appropriation of $1,500 to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian.

No. 102. Making the unexpended balance of $9,533.38 available for the purpose of continuing the relief of the Apache Indians, and for the purchase of lands in Oklahoma.

No. 105. Authorizes the Secretary of the Interior to adjudicate, and, if he deem it proper, to apply the per capita payment or any part of the same herein authorized to be made, to John Calvin Gray, Williams T. Lancaster, Arthur Jennings, and Clyde Jennings, enrolled members of the Choctaw and Chickasaw Nations, in the settlement of attorneys' fees for services rendered said Indians in being restored to the rolls.

No. 110. An appropriation of $15,000 for the salaries and the expenses of six oil-and-gas inspectors to supervise the oil, gas, and mining operations in the Five Civilized Tribes.

No. 113. Appropriates $7,200 for the purchase and the installation of boilers at the Indian school at Salem, Oreg., and makes available an unexpended balance of $9,830, and an additional amount of $2,500 for an addition to the assembly hall.

No. 116. Permits the Secretary of the Interior to withdraw from the Treasury $3,000 out of the tribal funds belonging to the Klamath Indians in Oregon, to construct a bridge across the Williamson River.

No. 124. Corrects the total and also makes available an unexpended balance of $1,670 out of a $10,000 appropriation, approved August 1, 1914, for the installation of a water tank, and the purchase of dairy cattle.

No. 127. Is an appropriation of $1,000, and authorizes the Secretary of the Interior to make an investigation as to the school facilities among the different Sioux Tribes of Indians, and to report to Congress on or before January 1, 1917.

No. 129. Makes the appropriation of $9,000 to pay a proportionate share for the construction of a highway or wagon road through the Kaibab Indian Reservation, Utah, reimbursable.

No. 132. Authorizes the Secretary of the Interior to withdraw $1,000 from the tribal funds now in the Treasury to credit Indians in Utah, and use the same to protect abutment of the bridge at Myton, Utah.

No. 137. Authorizes Secretary of the Interior to sell not to exceed 20 acres of land on the north side and within the limits of the abandoned Fort Spokane Military Reservation, Wash., that will not be needed for hospital purposes, and place the proceeds in the Treasury to the credit of the Spokane Indians.

No. 142. An appropriation of $5,000 to purchase dairy cattle for the Indian school at Oneida, Wis.

No. 146. Provides that the Secretary of the Interior may sell the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which there is a disputed claim, and to hold the money derived therefrom until it is ascertained to whom it belongs.

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No. 156. Requires the Secretary of the Interior to submit annually to Congress a certain detailed statement as to appropriations and disbursements of tribal funds belonging to Indians.

The following table shows the amounts carried in the bill as it passed the House, the Senate, and as agreed to by your conferees, and is exclusive of amounts appropriated out of trust funds belonging to the Indians.

Item.	Passed House.	Passed Senate.	Agreed in conference.
Surveying and allotting Indian reservations, reimbursable	$100,000.00	$100,000.00	$100,000.00
Irrigation, Indian reservations, reimbursable	244,700.00	244,700.00	244,700.00
Suppressing liquor traffic among Indians, gratuity	150,000.00	150,000.00	150,000.00
Relieving distress and prevention of diseases, etc., gratuity	350,000.00	400,000.00	350,000.00
Indian school support, gratuity	1,550,000.00	1,550,000.00	1,550,000.00
Indian school and agency buildings, gratuity	400,000.00	400,000.00	400,000.00
Indian school transportation, gratuity	72,000.00	72,000.00	72,000.00
Industrial work and care of timber, gratuity	425,000.00	500,000.00	425,000.00
Purchase and transportation of Indian supplies, gratuity	300,000.00	300,000.00	300,000.00
Telegraphing and telephoning, Indian service, gratuity	10,000.00	10,000.00	10,000.00
Court costs, etc., gratuity	1,000.00	1,000.00	1,000.00
Expenses, Board of Indian Commissioners, gratuity	10,000.00	10,000.00	10,000.00
Pay of Indian police, gratuity	200,000.00	200,000.00	200,000.00
Pay of judges, Indian courts, gratuity	8,000.00	10,000.00	8,000.00
General expenses, Indian Service, gratuity	135,000.00	135,000.00	135,000.00
Inspectors, Indian Service, gratuity	30,000.00	30,000.00	30,000.00
Determining heirs of deceased Indian allottees, gratuity	90,000.00	100,000.00	100,000.00
Industry among Indians, reimbursable	300,000.00	400,000.00	300,000.00
Payment to heirs of Farmer John, gratuity	20.00	20.00	20.00
Suppressing contagious diseases among live stock, gratuity	.....	100,000.00	100,000.00
Payment to Charles J. Kappler, gratuity	.....	2,000.00	2,000.00
ARIZONA AND NEW MEXICO.			
Support of Indians in Arizona and New Mexico, gratuity	330,000.00	330,000.00	330,000.00
Indian school, Fort Mohave, Ariz., gratuity	42,900.00	42,900.00	42,900.00
Indian school, Phoenix, Ariz., gratuity	131,900.00	135,400.00	135,400.00
Indian school, Truxton Canyon, Ariz., gratuity	21,200.00	21,200.00	21,200.00
Maintenance irrigation system, Pima Indian lands, reimbursable	20,000.00	25,000.00	20,000.00
Irrigation system, Colorado River Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Water supply, Papago Indian villages, gratuity	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Navajos, schools, treaty	100,000.00	100,000.00	100,000.00
Water supply, Navajo Indians, Arizona, reimbursable	25,000.00	25,000.00	25,000.00
Construction dam, Gila River Reservation, reimbursable	.....	200,000.00	75,000.00
Payment for water, Salt River allottees, reimbursable	20,000.00	20,000.00	20,000.00
Construction diversion dam, Gila River Reservation, above Florence, Ariz., reimbursable	.....	175,000.00	75,000.00
Ganado irrigation project, reimbursable	3,000.00	23,000.00	23,000.00
Investigation, Gila River, erosion, etc., gratuity	.....	15,000.00	10,000.00
Bridge across Little Colorado River, reimbursable	15,000.00	15,000.00	15,000.00
Construction additional spans, Gila River, gratuity	17,000.00	17,000.00	17,000.00
Preservation and repair, Pueblo ruins, gratuity	.....	3,000.00	3,000.00
CALIFORNIA.			
Support of Indians in California, gratuity	42,000.00	42,000.00	42,000.00
Purchase of lands for landless Indians, gratuity	10,000.00	30,000.00	10,000.00
Indian school, Riverside, Cal., gratuity	129,500.00	129,500.00	129,500.00
Irrigating allotments, Yuma Reservation, reimbursable	10,000.00	10,000.00	10,000.00
Indian school, Fort Bidwell, Cal., gratuity	21,800.00	21,800.00	21,800.00
Indian school, Greenville, Cal., gratuity	21,630.00	34,400.00	26,400.00
Roads and bridges, Yuma Reservation, Cal., reimbursable	.....	10,000.00	10,000.00
FLORIDA.			
Support of Seminoles in Florida, reimbursable	8,000.00	5,000.00	8,000.00
IDAHO.			
Support of Indians, Fort Hall Reservation, Idaho, gratuity	30,000.00	30,000.00	30,000.00
Maintenance, etc., Fort Hall irrigation system, reimbursable	25,000.00	35,000.00	25,000.00
Fulfilling treaties with Bannocks, Idaho, treaty	5,000.00	5,000.00	5,000.00
Fulfilling treaties with Cœur d'Alenes, treaty	3,000.00	3,000.00	3,000.00
KANSAS.			
Indian school, Lawrence, Kans., gratuity	140,250.00	148,250.00	148,250.00
Indian school, Kickapoo Reservation, Kans., gratuity	16,860.00	16,860.00	16,860.00
Bridges, Pottawatomi Reservation, Kans., gratuity	.....	10,000.00	(1)

[1] Paid out of tribal funds.

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Item.	Passed. House.	Passed Senate.	Agreed in conference.
LOUISIANA.			
Purchase of lands for Chettimanchi Indians, gratuity	$1,500.00	$1,500.00	$1,500.00
MICHIGAN.			
Indian school, Mount Pleasant, Mich., gratuity	73,450.00	73,450.00	73,450.00
Reimbursement Joseph Bradley, gratuity		250.00	250.00
MINNESOTA.			
Indian school, Pipestone, Minn., gratuity	61,675.00	64,675.00	64,675.00
Support of Chippewas of the Mississippi, Minn., treaty	4,000.00	4,000.00	4,000.00
Enrollment White Earth allottees, gratuity		5,000.00	5,000.00
MISSISSIPPI.			
Investigation condition Mississippi Indians, gratuity		1,000.00	1,000.00
MONTANA.			
Support of Indians of Fort Belknap Reservation, Mont., gratuity	20,000.00	20,000.00	20,000.00
Support of Indians of Flathead Agency, Mont., gratuity	14,000.00	20,000.00	20,000.00
Support of Indians of Fort Peck Agency, Mont., gratuity	30,000.00	30,000.00	30,000.00
Support of Indians of Blackfeet Agency, Mont., gratuity	25,000.00	25,000.00	25,000.00
Irrigation, Fort Belknap Reservation, reimbursable	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Crows, Mont., treaty	6,000.00	6,000.00	6,000.00
Support of Northern Cheyennes and Arapahoes, treaty	80,000.00	80,000.00	80,000.00
Line Riders, Northern Cheyenne Reservation, gratuity	1,500.00	1,500.00	1,500.00
Support Rocky Boys Band, gratuity	5,000.00	10,000.00	5,000.00
Purchase of land, Flathead Agency, reimbursable	320.00	320.00	320.00
Irrigation system, Flathead Agency, Mont., reimbursable		750,000.00	750,000.00
Irrigation system, Fort Peck Agency, Mont., reimbursable		100,000.00	100,000.00
Irrigation system, Blackfeet Agency, Mont., reimbursable		50,000.00	25,000.00
NEBRASKA.			
Indian school, Genoa, Nebr., gratuity	84,600.00	103,100.00	91,100.00
Assessment Omaha and Winnebago allotments, reimbursable		30,000.00	30,000.00
NEVADA.			
Support of Indians in Nevada, gratuity	18,500.00	18,500.00	18,500.00
Indian school, Carson City, Nev., gratuity	60,760.00	89,100.00	62,430.00
Home and farm sites, Nevada Indians, gratuity		15,000.00	15,000.00
Irrigation, Pyramid Lake Reservation, reimbursable	30,000.00	30,000.00	30,000.00
Land and water rights, Washoe Indians, gratuity	15,000.00	15,000.00	15,000.00
NEW MEXICO.			
Indian school, Albuquerque, N. Mex., gratuity	97,400.00	97,400.00	97,400.00
Indian school, Santa Fe, N. Mex., gratuity	67,150.00	103,650.00	92,150.00
Counsel for Pueblo Indians of New Mexico, gratuity	2,000.00	2,000.00	2,000.00
Highway, Mesa Verde National Park to Gallup, N. Mex., gratuity	15,000.00	54,000.00	15,000.00
NEW YORK.			
Fulfilling treaties with Senecas, New York, treaty	6,000.00	6,000.00	6,000.00
Fulfilling treaties with Six Nations, New York, treaty	4,500.00	4,500.00	4,500.00
NORTH CAROLINA.			
Indian school, Cherokee, N. C., gratuity	36,008.00	36,008.00	36,000.00
Bridge, Ocona Lufty River, gratuity		15,000.00	(1)
School for North Carolina Indians, gratuity		50,000.00	(1)
Maintenance, school for North Carolina Indians, gratuity		10,000.00	(1)
NORTH DAKOTA.			
Support of Sioux of Devils Lake, N. Dak., gratuity	5,000.00	5,000.00	5,000.00
Support of Indians, Fort Berthold Agency, N. Dak., gratuity	15,000.00	15,000.00	15,000.00
Support of Chippewas, Turtle Mountain Band, gratuity	11,000.00	11,000.00	11,000.00
Indian school, Bismarck, N. Dak., gratuity	56,175.00	56,175.00	56,175.00
Indian school, Fort Totten, N. Dak., gratuity	82,500.00	82,500.00	82,500.00
Indian school, Wahpeton, N. Dak., gratuity	40,200.00	66,540.00	63,540.00
Redemption mortgage, Starr McGillis, reimbursable		1,500.00	1,500.00
Reimbursing Benson County (insane Indians), gratuity		1,497.44	1,497.44
Headstone, Scarlet Crow, gratuity		100.00	100.00

[1] Senate receded.

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Item.	Passed House.	Passed Senate.	Agreed in conference.
OKLAHOMA.			
Support of Wichitas and affiliated bands, gratuity	$5,000.00	$5,000.00	$5,000.00
Support of Cheyennes and Arapahoes, Oklahoma, gratuity	35,000.00	35,000.00	35,000.00
Support of Kansas Indians, gratuity	1,500.00	1,500.00	1,500.00
Support of Kickapoo Indians, gratuity	2,000.00	2,000.00	2,000.00
Support of Poncas, gratuity	8,000.00	8,000.00	8,000.00
Indian school, Chilocco, Okla., gratuity	93,250.00	93,250.00	93,250.00
Fulfilling treaties with Pawnees, treaty	47,100.00	47,100.00	47,100.00
Support of Quapaws, treaty	1,500.00	1,500.00	1,500.00
Purchase land for Fort Sill Apaches, gratuity	.....	40,000.00	(1)
FIVE CIVILIZED TRIBES.			
Administration affairs of Five Civilized Tribes, gratuity	175,000.00	185,000.00	185,000.00
Probate attorneys, Five Civilized Tribes, gratuity	85,000.00	85,000.00	85,000.00
Cherokee Orphan Training School, gratuity	40,000.00	40,000.00	40,000.00
Indian schools, Five Civilized Tribes, gratuity	.....	275,000.00	275,000.00
Fulfilling treaties with Choctaws, treaty	10,520.00	10,520.00	10,520.00
Oil and gas inspectors, Five Civilized Tribes, gratuity	.....	25,000.00	15,000.00
Compromise suits, U. S. *v.* Dowden et al., reimbursable	.....	57,500.00	57,500.00
OREGON.			
Support of Indians, Klamath Agency, Oreg., gratuity	6,000.00	6,000.00	6,000.00
Support of Indians, Warm Springs Agency, gratuity	4,000.00	4,000.00	4,000.00
Support of Indians, Umatilla Agency, gratuity	3,000.00	3,000.00	3,000.00
Indian school, Salem, Oreg., gratuity	119,000.00	135,500.00	128,700.00
Support of Indians, Grande Ronde and Siletz Agencies, Oreg., gratuity	4,000.00	4,000.00	4,000.00
Maintenance and operation, Modoc Point irrigation system, reimbursable	20,000.00	20,000.00	20,000.00
Bridges, Umatilla Reservation, reimbursable	18,666.00	14,000.00	18,666.00
PENNSYLVANIA.			
Indian school, Carlisle, Pa., gratuity	152,000.00	152,000.00	152,000.00
SOUTH DAKOTA.			
Indian school, Flandreau, S. Dak., gratuity	67,500.00	68,955.00	67,500.00
Indian school, Pierre, S. Dak., gratuity	55,750.00	60,750.00	60,750.00
Indian school, Rapid City, S. Dak., gratuity	83,500.00	83,500.00	83,500.00
Support of Sioux of different tribes, etc., treaty	307,000.00	307,000.00	307,000.00
Education, Sioux Nation, treaty	200,000.00	200,000.00	200,000.00
School facilities, Sioux Indian country, gratuity	.....	250,000.00	1,000.00
Support of Sioux, Yankton Tribe, gratuity	14,000.00	14,000.00	14,000.00
Asylum for insane Indians, Canton, S. Dak., gratuity	45,000.00	45,000.00	45,000.00
Highway, Standing Rock Reservation, reimbursable	5,000.00	5,000.00	5,000.00
UTAH.			
Support of Confederated Bands of Utes, treaty	53,740.00	53,740.00	53,740.00
Support of Indians in Utah, gratuity	10,000.00	10,000.00	10,000.00
Support of Confederated Bands of Utes, seeds and implements, treaty	10,000.00	10,000.00	10,000.00
Highway, Kaibab Reservation, reimbursable	.....	9,000.00	9,000.00
Irrigation, Uintah Reservation, reimbursable	40,000.00	40,000.00	40,000.00
Reimbursement Box Elder County, Utah, gratuity	.....	1,684.00	1,684.00
Education, Indian pupils, Washakie School, gratuity	.....	832.00	832.00
Protection bridge, Myton, Utah, gratuity	.....	1,000.00	(2)
WASHINGTON.			
Support of D'Wamish and other allied tribes, gratuity	7,000.00	7,000.00	7,000.00
Support of Makahs, gratuity	2,000.00	2,000.00	2,000.00
Support of Quinnaielts and Quillehutes, gratuity	1,000.00	1,000.00	1,000.00
Support of Yakima Indians, gratuity	3,000.00	3,000.00	3,000.00
Support of Colville and certain other Indians, gratuity	13,000.00	15,000.00	13,000.00
Support of Spokanes, treaty	1,000.00	1,000.00	1,000.00
Irrigation system, Yakima Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Indian school, Tacoma, Wash., gratuity	50,000.00	50,000.00	50,000.00
Dam across Yakima River, reimbursable	200,000.00	200,000.00	200,000.00
Payment third installment for water, Yakima, gratuity	.....	100,000.00	100,000.00
Acquisition water rights, Indians, Okanogan County, reimbursable	.....	95,000.00	95,000.00
WISCONSIN.			
Indian school, Hayward, Wis., gratuity	51,550.00	51,550.00	51,550.00
Indian school, Tomah, Wis., gratuity	56,125.00	56,125.00	56,125.00
Support of Chippewas of Lake Superior, Wis., gratuity	7,000.00	7,000.00	7,000.00

[1] Unexpended balance made available. [2] Drawn from tribal funds.

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Item.	Passed House.	Passed Senate.	Agreed in conference.
WISCONSIN—continued.			
Support of Potawatomi in Wisconsin, gratuity	$7,000.00	$7,000.00	$7,000.00
Payment to Stockbridge and Munsee Tribe, gratuity	.....	95,000.00	95,000.00
Purchase of cattle, Oneida School, gratuity	.....	10,000.00	5,000.00
Support of Wisconsin Band of Potawatomies, Wisconsin and Michigan, reimbursable	100,000.00	100,000.00	100,000.00
Sidewalks, village of Odanah, Band River Reservation, reimbursable	.....	1,000.00	(1)
Completion road, Red Cliff Reservation, reimbursable	.....	6,500.00	6,500.00
WYOMING.			
Support of Shoshones in Wyoming, gratuity	15,000.00	15,000.00	15,000.00
Indian school, Shoshone Reservation, Wyo., gratuity	36,025.00	36,025.00	36,025.00
Support of Shoshones in Wyoming, treaty	6,000.00	6,000.00	6,000.00
Repairs, Fort Washakie, gratuity	1,721.66	1,721.00	1,721.00
Irrigation system, Wind River Reservation, reimbursable	50,000.00	50,000.00	50,000.00
Plans and estimates for completing irrigation, Shoshone or Wind River Reservation, gratuity	3,000.00	5,000.00	5,000.00
Roads and bridges, diminished Shoshone Reservation, reimbursable	25,000.00	25,000.00	25,000.00
Payment to Joseph H. Norris, gratuity	.....	257.00	257.00
New bookkeeping system, Indian Bureau, gratuity	.....	12,000.00	(1)
Total	8,961,437.66	11,993,796.44	10,966,037.44

[1] Senate receded.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

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84TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 622.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ACCEPT ASSIGNMENT OF PATENT FOR IMPROVEMENTS IN THE MANUFACTURE OF GASOLINE.

MAY 2, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. MORRISON, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. J. Res. 209.]

The Committee on Patents having had under consideration House joint resolution 209, respectfully report the same back to the House with the recommendation that the same do pass. House joint resolution 209 is in the following language:

JOINT RESOLUTION To authorize the Secretary of the Interior to accept assignment of patent for improvements in the manufacture of gasoline, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to accept, as trustee, for the use and benefit of the people of the United States, assignment from Walter F. Rittman of his entire right and title, or of any lesser interest, in, to, and under any letters patent of the United States which may be granted to said Rittman under applications numbered twenty-nine thousand and nineteen and twenty-nine thousand and twenty for patents for certain improvements in the manufacture of gasoline, benzene, toluene, and so forth, in so far as said applications or the letters patent issued thereunder cover and embrace the manufacture of such products from materials produced and manufactured within the United States, and the said Secretary of the Interior, or his successors, is hereby authorized to grant such licenses and take such steps as may be necessary to make such processes available to the people of the United States: *Provided*, That the Secretary of the Interior shall also be authorized to accept the assignment of any right, title, or interest in or to any patent issued upon any device, improvement, process, equipment, apparatus, or other matter or thing developed by any licensee in the use of the said Rittman processes.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry this resolution into effect.

The subject matter of the pending resolution was first brought to the attention of the House Committee on Patents by a letter addressed to the committee by Hon. Franklin K. Lane, Secretary of the Interior. The letter is in the following language:

DEPARTMENT OF THE INTERIOR,
Washington, April 21, 1916.

Hon. MARTIN A. MORRISON,
Chairman Committee on Patents,
House of Representatives.

MY DEAR MR. MORRISON: I am sending you herewith a proposed joint resolution which this department would like to have introduced, regarding which I have asked

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Mr. Manning to see you personally. I inclose also a justification for this joint resolution. The purpose of the resolution is to vest in the Secretary of the Interior, as trustee for the people of the United States, all right and title, or any lesser interest, in any patents which may be secured by Dr. Walter F. Rittman under applications Nos. 29019 and 29020, for patents for certain improvements in the manufacture of gasoline, benzene, and toluene, etc.

The Rittman processes for the production of gasoline and of benzene and toluene. have been proven commercially practicable, but in the further commercial development of these processes improvements will undoubtedly be made. It is quite possible that some of these improvements may render still more successful and economical the operation of the processes, and if any concern making use of the processes is to be allowed to patent in its own name the improvements that may be developed the result may be the establishment of a virtual monopoly in the hands of the concern securing such patents.

Dr. Rittman, prior to his resignation from the service of the Bureau of Mines on March 31 last, assigned to the Secretary of the Interior his patent rights in these processes so far as they may be applied to oils produced in the United States. If Congress is willing, through the joint resolution referred to, to authorize the Secretary of the Interior to accept this assignment of the Rittman processes patents, the public welfare can be adequately protected through a condition imposed upon licensees of the processes, requiring that all improvements developed in their operation shall be patented in the name of the Secretary of the Interior. Unless the authority asked for in this resolution is given to the Secretary of the Interior, he can not accept the assignment of the Rittman patent rights, and these rights may revert to Dr. Rittman or to the private parties or corporations to whom he may assign them.

In view of the serious situation in regard to gasoline and the promises in the Rittman processes of an increased production, it seems to me that early Congressional action along the lines of this resolution is highly desirable.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

The letter was accompanied by a justification of the request made by the Secretary of the Interior for the proposed legislation. At a later time the Director of the Bureau of Mines addressed to the committee a letter, with which the justification above referred to was returned to the committee in a corrected form. The letter of the Director of the Bureau of Mines is in the following language:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, April 28, 1916.

Hon. MARTIN A. MORRISON,
Chairman Committee on Patents, House of Representatives.

MY DEAR MR. MORRISON: In accordance with the suggestion which you made during your call yesterday, regarding House joint resolution 209, to authorize the Secretary of the Interior to accept assignments of the Rittman patents:

I transmit herewith a corrected copy of the justification for this resolution in which it has been made clear that it is intended to assign to the Secretary of the Interior the rights in the Rittman patents only so far as they may apply to oils produced in the United States. I am sending you also a copy of the assignment which Dr. Rittman executed to the Secretary.

As stated in the justification, and in Secretary Lane's letter to you, the Rittman processes promise to be of great value to the people of the United States. For example, the gasoline process seems certain greatly to increase the gasoline yield of the oil supply of the United States. The crude oils produced in this country have a normal gasoline content of from 5 to 25 per cent with ordinary refining processes. The average gasoline yield of United States oils is somewhere in the neighborhood of 15 per cent. The Rittman cracking process will increase this yield to 45 per cent by running the residuum through the still once, and by taking the remaining products heavier than gasoline and running them back through the still until no more gasoline can be obtained the total gasoline yield can be increased to 75 per cent. The importance of thus increasing the gasoline yield of the average oil of the United States 400 per cent above the yield by ordinary refining processes can hardly be overstated.

The desire of the petroleum industry to use this gasoline process has been so great, and so many applications have been received for permission to use the process with-

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out waiting for the issuance of a patent, that the department has issued a number of licenses for such use pending the granting of the patent and the assignment of the patent rights to the Secretary. I inclose a license form similar to those which have been issued. The list of licensees is as follows:

1. Germania Refining Co., Oil City, Pa.
2. Pure Oil Co., Minneapolis, Minn.
3. Pittsburgh Oil Refining Co., Coraopolis, Pa.
4. Indian Refining Co., Lawrenceville, Ill.
5. Midwest Refining Co., Casper, Wyo.
6. American Oilfields Co. of California, I. W. Fuqua, Fellows, Cal.
7. J. C. McDowell, 1321 Farmers Bank Building, Pittsburgh, Pa.
8. Associated Oil Co., San Francisco, Cal. (Sharon Building).
9. Benolite Co., Pittsburgh, Pa.
10. Premier Oil Co., T. Spellacy, Los Angeles, Cal.

In addition to these, applications for licenses are pending and some further licenses are about to be issued.

If there is any further information which I can furnish you in connection with this matter, I should consider it a privilege to do so.

Very truly, yours,

VAN. H. MANNING, *Director.*

The written justification for the proposed legislation in its amended form is in the following language:

JUSTIFICATION FOR PROPOSED JOINT RESOLUTION TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACCEPT ASSIGNMENT OF PATENTS FOR IMPROVEMENTS IN THE MANUFACTURE OF GASOLINE, AND FOR OTHER PURPOSES.

Dr. Walter F. Rittman, an employee of the Bureau of Mines, invented processes for the production of gasoline, benzene, and toluene from crude or other oils. These processes, properly developed, seem certain to prove of immense value to the people of the United States. How shall the patents be handled in order to insure maximum benefit to the public? Shall they be held in the name of the public? Or in the name of some public officer acting as trustee for the public, with power to protect the public's interests?

Dr. Rittman desires that the benefit of his inventions, so far as they may be applied to oils produced in the United States, shall inure to the people of the United States, and, in general, discoveries made in the course of employment by the United States should be the property of the United States, except, perhaps, as to foreign rights.

The suggestion that the patents be held in the name of the general public is subject to a serious objection. It does not insure that improvements upon the processes shall also be the property of the public. Where a patentable process or device is of such a nature that improvements are not likely to be made upon it or apparatus need not be devised for its use, the patent may well be placed in the name of the public, and this course has been followed by the Bureau of Mines with regard to certain inventions by its employees. However, in a matter so complex as the refining of petroleum, the further development of a process or of an apparatus for its carrying on may be almost, if not quite, as important as the original invention itself. It is conceivable, for example, that if the Rittman processes were assigned to the general public some one might devise improvements upon them or upon the apparatus for their operation, and by patenting these improvements deprive the public of the major benefits which might otherwise flow from the Rittman inventions.

Thus it seems wisest to have the Rittman patents so held that some trustee for the people shall have authority to issue licenses for the use of the processes under terms which will give a maximum of protection to the public. For example, it is the plan with regard to these patents to authorize their use only upon condition that the details of the commercial working out of the processes shall be available to the Bureau of Mines for publication whenever desirable; that the bureau shall be informed of improvements in the processes, or in plant or apparatus for their operation; and that all such improvements which are patentable shall be assigned to the trustee for the people in the same manner as the original processes.

The Secretary of the Interior, as the head of the department in which the processes were developed and in which the administration of the patents should be carried on, is the most logical trustee for the people. Dr. Rittman, who has resigned from the Bureau of Mines, has executed an assignment of his patents to the Secretary of the Interior, and the proposed joint resolution would authorize the Secretary to accept this assignment. It is important that the joint resolution be passed, since the assign-

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ment, by its own terms, becomes void if the Secretary of the Interior remains without legal authority to accept it. Thus, if the Secretary has not authority to accept an assignment of these patents, all rights in them will revert to Dr. Rittman, and the public will be deprived of the maximum benefits from these important inventions.

The assignment that has been made by Mr. Walter F. Rittman to the Secretary of the Interior as stated in the foregoing correspondence is in the following language:

Whereas Walter F. Rittman, residing in the State, County, and city of New York, having invented certain improvements in the manufacture of gasoline, benzol, and toluene, and being desirous of obtaining full, exact, and scientific data, and data required for the adaptation of his improvement to commercial purposes, prior to carrying out his intention of dedicating to the people of the United States the enjoyment and use of said improvements, he entered the employment of the Bureau of Mines of the Department of the Interior; and

Whereas the said Walter F. Rittman has filed applications for letters patent of the United States as follows: For the manufacture of benzene, toulene, etc., filed May 18, 1915, serial No. 29019; and for the manufacture of gasoline filed May 18, 1915, serial No. 29020; and is now desirous of carrying out his original intention of dedicating the improvements described in said applications to the people of the United States for their use and benefit, except as hereinafter specified.

Now these presents witness, for and in consideration of the sum of $1, to him in hand paid, the receipt of which is hereby acknowledged, the said Walter F. Rittman has sold, assigned, and transferred, and does hereby sell, assign, and transfer to Franklin K. Lane, Secretary of the Interior, and his successors in office, as trustee or trustees in trust for the use and benefit of the people of the United States, all his right, title, and interest in and to the invention described and claimed in said applications, serial Nos. 29019 and 29020, and in, to, and under any letters patent of the United States which may be granted on said applications, except as hereinafter provided, to own and control said patents and to grant licenses under said patents when issued to such party or parties and upon such terms as said trustee or trustees may deem proper, save and except as to the use of the inventions aforesaid for the treatment of hydrocarbon materials imported into the United States, to prevent the use of the inventions described and claimed in said patents, or either of them, by parties other than the licensees, by bringing suit or suits for infringement against any and all unlicensed users of such inventions, and to do all acts that said trustee or trustees may deem proper in carrying out the intention of said Walter F. Rittman, to encourage the proper practice of the inventions described and claimed in said applications.

The said Walter F. Rittman expressly reserves to himself and to his heirs, legal representatives, and assigns, the right to use the inventions described in said applications without liability in any manner whatsoever on his part, or on the part of his heirs, legal representatives, or assigns, for infringement of letters patent granted on said applications, and the right to prosecute said pending applications, serial Nos. 29019 and 29020, to the issue of letters patent thereon, and the right to apply for, obtain, and control and own letters patent in countries other than the United States. And further, the said Walter F. Rittman, his heirs, legal representatives, and assigns shall have the right to bring suit in the name of the trustee for infringement of patents granted on said applications, or either of them, against any party or parties, employing the inventions described in said applications in the treatment of hydrocarbon materials imported into the United States, and the acceptance of this assignment by the said Franklin K. Lane as trustee shall confer upon the said Rittman, his heirs, legal representatives, and assigns, the right to use the name of the said Franklin K. Lane and his successors in office as trustee or trustees for such purpose.

In case the said Franklin K. Lane or his successors in office is not empowered to execute the trust herein provided, and the same shall lapse for lack of authority so to execute, this assignment shall become null and void and the entire right, title, and interest in and to the inventions described in said applications and in, to, and under any letters patent granted on said applications shall vest in the said Walter F. Rittman, his heirs, legal representatives, and assigns.

In case licenses are granted under patents issued on said application, or either of them, subject to the payment of royalties or other considerations, such royalties or considerations shall be payable to the said Walter F. Rittman or his assigns.

The Commissioner of Patents is hereby authorized and requested to issue letters patents on said applications, serial Nos. 29019 and 29020, to the said Walter F. Rittman, in his name, the title to said patents to vest immediately on issue in said Franklin

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K. Lane, Secretary of the Interior, and his successors, in trust for the benefit of the people of the United States, subject to terms and conditions hereinbefore specified.

In testimony whereof the said Walter F. Rittman has hereunto set his hand this 29th day of March, 1916.

WALTER F. RITTMAN.

Signed in the presence of—
CLARENCE B. DUTTON.
DARWIN S. WOLCOTT.

STATE OF NEW YORK,
County of New York, ss:

On this 30th day of March, 1916, before me personally appeared Walter F. Rittman, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.

THOS. M. APPLEGARTH,
Notary Public, No. 67, New York County.

(New York registered No. 7021. My commission expires March 30, 1917.)

The contracts which the Secretary of the Interior has made with certain persons and corporations for the use of the Rittman processes are in the form indicated by the following blank that was prepared for use in the making of these contracts:

LICENSE FOR USE OF THE RITTMAN..... PROCESS.....

NONEXCLUSIVE—WITHOUT ROYALTY.

This agreement, made and entered into in duplicate this ..... day of ....., A. D. 191.., between the Department of the Interior, acting in this behalf by ....., Secretary of the Interior, hereinafter called the First Party, and ....., hereinafter called the Second Party,

Witnesseth, that, whereas Walter F. Rittman, a chemical engineer in the employ of the First Party, has discovered a new and valuable process for the manufacture of ..... from heavy liquid hydrocarbons (hereinafter referred to as the process), and

Whereas the said discovery is covered by pending application for letters patent, and

Whereas the Second Party is desirous of employing such process in advance of the issuance of a patent,

Now, therefore, the said First and Second Parties do hereby agree as follows:

1. The First Party, in consideration of the covenants and agreements hereinafter contained to be observed and performed by the Second Party, hereby licenses and empowers the Second Party to use the said process, subject to the conditions hereinafter named, at ..... factory in ..... and in no other places.

2. The Second Party agrees that all devices, improvements, processes, equipments, apparatus, or development, or any matter or thing which may be necessary or desirable to be used in connection with the said process, originated by the Second Party or by its agents or employees during the life of this agreement shall be promptly and fully communicated to the First party in order that letters patent thereon may be applied for in the discretion of the First Party, the cost of obtaining such letters patent, including the Patent Office fees, to be paid by the Second Party.

3. The Second Party further agrees to transfer and assign or cause to be transferred and assigned to the Secretary of the Interior, as trustee for the public, all the right, title, and interest of said Second Party or its agents or employees in and to the aforesaid devices, improvements, processes, equipment, apparatus, development, matters, or things as regards the United States, and further agrees to assign and transfer or cause to be transferred and assigned all right, title, and interest, as aforesaid, as regards all countries or places outside of the United States, to the said Walter F. Rittman, his heirs, or assigns.

4. The Second Party further agrees not to make public in any way any details of the process which may be communicated to it, or which it may learn by reason of the employment of such process without the prior obtained consent of the First Party.

5. The Second Party further agrees to furnish the First Party upon request with complete working plans and specifications of plant construction, equipment, apparatus, machinery, improvements, and devices of whatsoever nature or character used in the practice of or in connection with the aforesaid process, and furnish such party with

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such other pertinent information and records appertaining to the same as it may from time to time request.

6. The Second Party lastly agrees that the process aforesaid shall be used only in the treatment of liquid hydrocarbons produced in the United States of America: *Provided*, That the process may be employed in the treatment of foreign-produced oils in the United States upon payment to Walter F. Rittman, his heirs, or assigns, of a reasonable royalty to be mutually agreed upon between the said Rittman, his heirs, or assigns, and the Second Party.

7. The First Party shall be at liberty to make public, from time to time, all such information concerning the development and use of the process in the aforesaid factory of the Second Party as it may consider of public benefit and essential to the working of the process by the people of the United States. No publication shall be made of any information acquired regarding the business and trade secrets of the Second Party other than as hereinabove provided.

8. The First Party agrees to grant to the Second Party, upon the issuance of letters patent covering the aforesaid process, a license to employ such process in the treatment of petroleum oils or other liquid hydrocarbons produced in the United States, upon the same terms and conditions as the process may be permitted to be employed by any and all other persons in the United States.

9. It is further mutually understood and agreed that the First Party, in its discretion, shall have the right to terminate this agreement for the use of said process upon violation of any of the substantial terms or conditions hereof or for nonuser for a period of not exceeding six calendar months. Waiver of any specific cause of forfeiture shall not be construed to prevent forfeiture for any other or like cause occurring thereafter.

In witness whereof, on the day and year first hereinbefore written, the parties hereto have subscribed their names and affixed their seals.

.....

Secretary of the Interior.

.....

It is not the intention of the Government to require licensees to acquaint other licensees or their competitors with the details of the installation that they may devise for the employment of the principles involved in the Rittman processes. The license provides that agents of the Government shall be given right of entry to observe the installation in operation. Such agents will impart as well as receive information.

It is not contemplated that the mechanical refinements of adjustment or coordination of working parts, which give one refiner an advantage over his competitors, shall be disclosed for the benefit of such competitors. It is intended merely that the basic features that have a material bearing on the operation of the process and should be included in the patent shall be disclosed to those employing the process. In this way all licensees will obtain the benefit of the larger improvements that may be devised by others while retaining the advantages resulting from superiority of installation.

In other words, no user of the process can patent for his own benefit any essential detail in connection with the process, but shall assign such patent to the Bureau of Mines, to be in turn given to the public. On the other hand the provisions of the license do not mean that each user must open his gates wide to every other user or competitor.

The committee is of the opinion that the correspondence and other written instruments, copies of which are hereabove set forth, will give to the Members of the House substantially complete information upon such questions as are likely to arise in the consideration of the pending resolution.

It will be noted that applications for patent are pending and that it is assumed that letters patent will in the near future be issued thereon. Mr. Rittman has made an assignment to the Secretary of the Interior, in his official capacity, and to his successors in office, in trust for the use and benefit of the people of the United States, of the rights that Mr. Rittman has acquired and is to acquire under the pending applications for patent, so far as they relate to oils produced in the United States. The Secretary of the Interior has attempted to accept the assignments and has issued permits to certain licensees for the use of the Rittman processes and provided that all improvements that shall result from the use of the processes and from experi-

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mentation thereunder shall in turn be patented, and that a' rights under such patents, so far as they relate to oils produced in the United States, shall be assigned in ike manner and for like purposes to the Secretary of the Interior and to his successors in office.

It is believed by the law officials of the Secretary of the Interior that the acceptance of the Rittman assignment by the Secretary of the Interior is of doubtful validity, owing to the doubt in the minds of the law officials as to the power of the Secretary of the Interior, in his official capacity, to accept an assignment of letters patent, or of the rights arising out of letters patent. The Secretary of the Interior and the Director of the Bureau of Mines are of the opinion that the Rittman processes are most important inventions and that the processes, together with improvements thereafter that will most probably result from its use and the experiments incident thereto, will increase by several hundred per cent the amount of gasoline to be extracted from crude and other oils. It is believed by the Secretary of the Interior, by the Director of the Bureau of Mines, and by the Committee on Patents, that it is very desirable that the acceptance by the Secretary of the Interior of the Rittman assignment and the licenses heretofore issued by the Secretary of the Interior be validated and that the Secretary of the Interior be given legal power completely to carry into execution the plan that has been adopted and partially carried out.

It appears from the correspondence above set out that crude oils produced in this country have a normal gasoline content of from 5 to 25 per cent under the ordinary refining processes with a probable average production of 15 per cent. It is the opinion of the Director of the Bureau of Mines that by the use of the Rittman processes the total gasoline yield from American crude oils will be approximately 75 per cent, making a net increase of approximately 400 per cent. If these estimates be at all accurate, the development and perfection of the Rittman processes and the use of the processes with their probable improvements will be of immense benefit to the people of the United States.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 623.

OREGON & CALIFORNIA RAILROAD LAND GRANTS.

MAY 2, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14864.]

The Committee on Public Lands, to whom was referred the bill (H. R. 14864) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon, approved May 4, 1870, and for other purposes," having had the bill under consideration, recommends that the bill do pass without amendment.

Just 50 years ago, by the act of July 25, 1866, Congress passed an act making a grant of land to the California & Oregon Railroad Co. A copy of the act follows:

AN ACT Granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the "California and Oregon Railroad Company," organized under an act of the State of California, to protect certain parties in and to a railroad survey, "to connect Portland, in Oregon, with Marysville, in California," approved April sixth, eighteen hundred and sixty-three, and such company organized under the laws of Oregon as the legislature of said State shall hereafter designate, be, and they are hereby, authorized and empowered to lay out, locate, construct, finish, and maintain a railroad and telegraph line between the city of Portland, in Oregon, and the Central Pacific Railroad, in California, in the manner following, to wit: The said California and Oregon Railroad Company to construct that part of the said railroad and telegraph within the State of California, beginning at some point (to be selected by said company) on the Central Pacific Railroad in the Sacramento Valley, in the State of California, and running thence northerly through the Sacramento and Shasta Valleys to the northern boundary of the State of California; and the said Oregon company to construct that part of said railroad and telegraph line within the

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State of Oregon, beginning at the city of Portland, in Oregon, and running thence southerly through the Willamette, Umpqua, and Rogue River Valleys to the southern boundary of Oregon, where the same shall connect with the part aforesaid to be made by the first-named company: *Provided*, That the company completing its respective part of the said railroad and telegraph from either of the termini herein named to the line between California and Oregon before the other company shall have likewise arrived at the same line, shall have the right, and the said company is hereby authorized to continue in constructing the same beyond the line aforesaid, with the consent of the State in which the unfinished part may lie, upon the terms mentioned in this act, until said parts shall meet and connect and the whole line of said railroad and telegraph shall be completed.

SEC. 2. *And be it further enacted*, That there be, and hereby is, granted to the said companies, their successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the line of said railroad, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line; and when any of said alternate sections or parts of sections shall be found to have been granted, sold, reserved, occupied by homestead settlers, preempted, or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections designated by odd numbers as aforesaid, nearest to and not more than ten miles beyond the limits of said first-named alternate sections; and as soon as the said companies, or either of them, shall file in the office of the Secretary of the Interior a map of the survey of said railroad, or any portion thereof, not less than sixty continuous miles from either terminus, the Secretary of the Interior shall withdraw from sale public lands herein granted on each side of said railroad so far as located and within the limits before specified. The lands herein granted shall be applied to the building of said road within the States, respectively, wherein they are situated. And the sections and parts of sections of land which shall remain in the United States within the limits of the aforesaid grant shall not be sold for less than double the minimum price of public lands when sold: *Provided*, That bona fide and actual settlers under the preemption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the price fixed for said lands at the date of such settlement, improvement, and occupation: *And provided also*, That settlers under the provisions of the homestead act who comply with the terms and requirements of said act, shall be entitled, within the limits of said grant, to patents for an amount not exceeding eighty acres of the land so reserved by the United States, anything in this act to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said companies for the construction of said railroad and telephone line; and the right, power, and authority are hereby given to said companies to take from the public lands adjacent to the line of said road earth, stone, timber, water, and other materials for the construction thereof. Said right of way is granted to said railroad to the extent of one hundred feet in width on each side of said railroad where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine shops, switches, side tracks, turntables, water stations, or any other structures required in the construction and operating of said road.

SEC. 4. *And be it further enacted*, That whenever the said companies, or either of them, shall have twenty or more consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated by this act, the President of the United States shall appoint three commissioners, whose compensation shall be paid by said company, to examine the same, and if it shall appear that twenty consecutive miles of railroad and telegraph shall have been completed and equipped in all respects as required by this act, the said commissioners shall so report under oath to the President of the United States, and thereupon patents shall issue to said companies, or either of them, as the case may be, for the lands hereinbefore granted, to the extent of and coterminous with the completed section of said railroad and telegraph line as aforesaid; and from time to time, whenever twenty or more consecutive miles of said road and telegraph shall be completed and equipped as aforesaid, patents shall in like manner issue upon the report of the said commissioners, and so on until the entire railroad and telegraph authorized by this act shall have been constructed, and patents of the lands herein granted shall have been issued.

SEC. 5. *And be it further enacted*, That the grants aforesaid are made upon the condition that the said companies shall keep said railroad and telegraph in repair and use, and shall at all times transport the mails upon said railroad, and transmit despatches by said telegraph line for the Government of the United States when required

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so to do by any department thereof, and that the Government shall at all times have the preference in the use of said railroad and telegraph therefor at fair and reasonable rates of compensation, not to exceed the rates paid by private parties for the same kind of service. And said railroad shall be and remain a public highway for the use of the Government of the United States, free of all toll or other charges upon the transportation of the property or troops of the United States; and the same shall be transported over said road at the cost, charge, and expense of the corporations or companies owning or operating the same, when so required by the Government of the United States.

SEC. 6. *And be it further enacted*, That the said companies shall file their assent to this act in the Department of the Interior within one year after the passage hereof, and shall complete the first section of twenty miles of said railroad and telegraph within two years, and at least twenty miles in each year thereafter, and the whole on or before the first day of July, one thousand eight hundred and seventy-five; and the said railroad shall be of the same gauge as the "Central Pacific Railroad" of California, and be connected therewith.

SEC. 7. *And be it further enacted*, That the said companies named in this act are hereby required to operate and use the portions or parts of said railroad and telegraph mentioned in section one of this act for all purposes of transportation, travel, and communication, so far as the Government and public are concerned, as one connected and continuous line; and in such operation and use to afford and secure to each other equal advantages and facilities as to rates, time, and transportation, without any discrimination whatever, on pain of forfeiting the full amount of damage sustained on account of such discrimination, to be sued for and recovered in any court of the United States, or of any State, of competent jurisdiction.

SEC. 8. *And be it further enacted*, That in case the said companies shall fail to comply with the terms and conditions required, namely, by not filing their assent thereto as provided in section six of this act, or by not completing the same as provided in said section, this act shall be null and void, and all the lands not conveyed by patent to said company or companies, as the case may be, at the date of such failure shall revert to the United States. And in case the said road and telegraph line shall not be kept in repair and fit for use, after the same shall have been completed, Congress may pass an act to put the same in repair and use, and may direct the income of said railroad and telegraph line to be thereafter devoted to the United States, to repay all expenditures caused by the default and neglect of said companies or either of them, as the case may be, or may fix pecuniary responsibility not exceeding the value of the lands granted by this act.

SEC. 9. *And be it further enacted*, That the said "California and Oregon Railroad Company" and the said "Oregon Company" shall be governed by the provisions of the general railroad and telegraph laws of their respective States, as to the construction and management of the said railroad and telegraph line hereinbefore authorized, in all matters not provided for in this act. Whenever the word "company" or "companies" is used in this act it shall be construed to embrace the words "their associates, successors, and assigns," the same as if the words had been inserted or thereto annexed.

SEC. 10. *And be it further enacted*, That all mineral lands shall be excepted from the operation of this act; but where the same shall contain timber, so much of the timber thereon as shall be required to construct said road over such mineral land is hereby granted to said companies: *Provided*, That the term "mineral lands" shall not include lands containing coal and iron.

SEC. 11. *And be it further enacted*, That the said companies named in this act shall obtain the consent of the legislatures of their respective States, and be governed by the statutory regulations thereof in all matters pertaining to the right of way, wherever the said road and telegraph line shall not pass over or through the public lands of the United States.

SEC. 12. *And be it further enacted*, That Congress may at any time, having due regard for the rights of said California and Oregon railroad companies, add to, alter, amend, or repeal this act.

Approved July 25, 1866.

The railroad was not constructed within the time prescribed by the act of 1866, and Congress passed an amendment to the act, the same being approved April 10, 1869 (14 Stat. L., p. 239). The amendment follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Rail-

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road, in California, to Portland, in Oregon," approved July twenty-fifth, eighteen hundred and sixty-six, be, and the same is hereby, amended so as to allow any railroad company heretofore designated by the Legislature of the State of Oregon, in accordance with the first section of said act, to file its assent to such act in the Department of the Interior within one year from the date of the passage of this act, and such filing of its assent, if done within one year from the passage hereof, shall have the same force and effect to all intents and purposes as if such assent had been filed within one year after the passage of said act: *Provided*, That nothing herein shall impair any rights heretofore acquired by any railroad company under said act, nor shall said act or this amendment be construed to entitle more than one company to a grant of land: *And provided further*, That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding $2.50 per acre.

Approved, April 10, 1869.

It will be observed that the act of April 10, 1869, lays down three positive and specific conditions for the disposition of the lands: First, the land must be sold to actual settlers; second, it must be sold in quantities not greater than one-quarter section to one purchaser; and third, at a price not exceeding $2.50 per acre. The proof conclusively shows that these conditions were not complied with by the railroad company, and it seemed to your committee to be an agreed statement of fact that no attempt to comply with the same was ever seriously made.

Later the act of May 4, 1870 (16 Stat. L., p. 94), was passed. It appears as follows:

AN ACT Granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of aiding in the construction of a raiload and telegraph line from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamkill River, near McMinnville, in the State of Oregon, there is hereby granted to the Oregon Central Railroad Company, now engaged in constructing the said road, and to their successors and assigns, the right of way through the public lands of the width of one hundred feet on each side of said road, and the right to take from the adjacent public lands materials for constructing said road, and also the necessary lands for depots, stations, sidetracks, and other needful uses in operating the road, not exceeding forty acres at any one place; and also each alternate section of the public lands not mineral, excepting coal or iron lands, designated by odd numbers nearest to said road, to the amount of ten such alternate sections per miles on each side thereof, not otherwise disposed of or reserved or held by valid preemption or homestead right at the time of the passage of this act. And in case the quantity of ten full sections per mile can not be found on each side of said road within the said limits of twenty miles, other lands designated as aforesaid shall be selected under the direction of the Secretary of the Interior on either side of any part of said road nearest to and not more than twenty-five miles from the track of said road to make up such deficiency.

SEC. 2. *And be it further enacted*, That the Commissioner of the General Land Office shall cause the lands along the line of the said railroad to be surveyed with all convenient speed. And whenever and as often as the said company shall file with the Secretary of the Interior maps of the survey and location of twenty or more miles of said road the said Secretary shall cause the said granted lands adjacent to and coterminous with such located sections of road to be segregated from the public lands; and thereafter the remaining public lands subject to sale within the limits of the said grant shall be disposed of only to actual settlers at double the minimum price for such lands: *And provided also*, That settlers under the provisions of the homestead act who comply with the terms and requirements of said act shall be entitled, within the said limits of twenty miles to patents for an amount not exceeding eighty acres each of the said ungranted lands, anything in this act to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That whenever and as often as the said company shall complete and equip twenty or more consecutive miles of the said railroad and telegraph, the Secretary of the Interior shall cause the same to be examined, at the expense of the company, by three commissioners appointed by him: and if they shall

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report that such completed section is a first-class railroad and telegraph, properly equipped and ready for use, he shall cause patents to be issued to the company for so much of the said granted lands as shall be adjacent to and coterminous with the said complected [completed] sections.

SEC 4. *And be it further enacted*, That the said alternate sections of land granted by this act excepting only such as are necessary for the company to reserve for depots, stations, sidetracks, wood yards, standing ground, and other needful uses in operating the road, shall be sold by the company only to actual settlers, in quantities not exceeding one hundred and sixty acres, or a quarter section, to any one settler, and at prices not exceeding $2.50 per acre.

SEC. 5. *And be it further enacted*, That the said company shall, by mortgage or deed of trust to two or more trustees, appropriate and set apart all the net proceeds of the sale of the said granted lands as a sinking fund, to be kept invested in the bonds of the United States or other safe and more productive securities, for the purchase from time to time and the redemption at maturity of the first-mortgage construction bonds of the company, on the road depots, stations, sidetracks, and wood yards, not exceeding $30,000 per mile of road, payable in gold coin not longer than thirty years from date, with interest payable semiannually in coin not exceeding the [rate] of seven per centum per annum: and no part of the principal or interest of the said fund shall be applied to any other use until all the said bonds shall have been purchased or redeemed and canceled: and each of the said first-mortgage bonds shall bear the certificate of the trustees, setting forth the manner in which the same is secured and its payment provided for. And the district court of the United States, concurrently with the State courts, shall have original jurisdiction, subject to appeal and writ of error, to enforce the provisions of this section.

SEC. 6. *And be it further enacted*, That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph line within two years, and the entire railroad and telegraph within six years from the same date.

Approved, May 4, 1870.

The noncompliance by the railroad company with the three specific conditions of the acts of 1869 and 1870 was called to the attention of Congress, and on April 30, 1908, Congress passed a joint resolution (35 Stat. L., 571), instructing the Attorney General to institute proceedings against the railroad company for noncompliance with the grant, etc. The joint resolution is set out at length and is as follows:

JOINT RESOLUTION Instructing the Attorney General to institute certain suits, and so forth

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of or pertaining to either or any of the following-described acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July twenty-fifth, eighteen hundred and sixty-six, as amended by the acts approved June twenty-fifth, eighteen hundred and sixty-eight, and April tenth, eighteen hundred and sixty-nine; also "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Rosenburg, in said State," approved March third, eighteen hundred and sixty-nine; also "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May fourth, eighteen hundred and seventy, including all rights and remedies in any manner relating to the lands, or any part thereof, granted by either or any of said acts; and in and by any and all such suits, actions, or proceedings the Attorney General shall, in such manner as he shall deem appropriate, assert all rights and remedies existing in favor of the United States relating to the subject of such suits, actions, and proceedings, including the claim on behalf of the United States that the lands granted by each of said acts, respectively, or any part thereof, have been and are forfeited to the United States by reason of any breaches or violations of any of the terms or conditions of either or any of said acts which may

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be alleged and established in any such suits, actions, or proceedings; it not being intended hereby to determine the right of the United States to any such forfeiture or forfeitures, but it being intended to fully authorize the Attorney General in and by such suits, actions, or proceedings to assert on behalf of the United States and the court or courts before which such suits, actions, or proceedings may be instituted or pending to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and, if found, to enforce the same:

Resolved further, That the authority and direction hereinbefore given shall extend to any and all suits, actions, or proceedings which may be instituted or pending under the authority of the Attorney General at the time of the adoption and approval hereof.

Approved, April 30, 1908.

Again, during the year 1912, the Department of Justice brought to the attention of Congress the necessity of supplemental legislation by Congress instructing the Attorney General to make further adjustments and compromises with reference to certain of the lands which had been disposed of. The Department of Justice at that time was of the opinion that to make this adjustment would better enable them to win their main suit against the railroad company, their theory being that by making compromises as to the sold land it would simplify procedure and would relieve them from local objection and opposition on the part of local citizens who did not want their citizens harassed and annoyed by a multiplicity of suits. This hasty and incomplete statement is gathered from the hearings had before Congress at that time. A copy of the act of August 20, 1912, is set out herewith and is as follows:

AN ACT Supplementing the joint resolution of Congress approved April thirtieth, nineteen hundred and eight, entitled "Joint resolution instructing the Attorney General to institute certain suits," and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims of forfeiture heretofore or hereafter asserted by the Attorney General on behalf of the United States in or by any and all suits in equity, actions at law, or other judicial proceedings instituted pursuant to the joint resolution of Congress approved April thirtieth, nineteen hunderd and eight, entitled "Joint resolution instructing the Attorney General to institute certain suits," and so forth, be, and the same are hereby, ratified and confirmed and are hereby declared to be of the same force and effect as declarations of forfeiture by the Congress of the United States.

SEC. 2. That none of the lands reverting to the United States by virtue of any right of forfeiture thereto as aforesaid shall be or become subject to entry under any of the public-land laws of the United States, or to the initiation of any right whatever under any of the public-land laws of the United States.

SEC. 3. That no suits in equity, actions at law, or other judicial proceedings shall be instituted pursuant to said joint resolution approved April thirtieth, nineteen hundred and eight, that shall involve any lands sold by the Oregon and California Railroad Company prior to April thirtieth, nineteen hundred and eight, unless the same shall be instituted within one year from the date of the approval of this act: *Provided*, That this section shall not be construed to apply to any suits in equity heretofore instituted, nor to any parties thereto, nor to any of the lands involved therein, nor to the institution of any further suits in equity, actions at law, or other judicial proceedings relating to any of the lands that are involved in said pending suits.

SEC. 4. That the Attorney General is hereby authorized to compromise in the manner hereinafter provided any suit heretofore or hereafter instituted pursuant to the provision of said joint resolution approved April thirtieth, nineteen hundred and eight, involving lands purchased from the said Oregon and California Railroad Company prior to September fourth, nineteen hundred and eight. In any such suit the Attorney General may, in his discretion, stipulate with the defendant or defendants who purchased said lands, or are the successors or assigns of such purchaser or purchasers, that decree shall be entered adjudging that the lands involved therein have been and are forfeited to the United States. Such decree shall recite that the same was entered pursuant to such stipulation. If said purchaser, defendant, or defendants, or their successors or assigns, shall within six months from the entry of said decree file with the Secretary of the Interior a certified copy of said decree, together with an application to purchase all of the lands adjudged by said decree to have been forfeited to the United States as aforesaid, and shall pay to the Treasurer

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of the United States the sum of $2.50 per acre for all of the lands so applied for, the Secretary of the Interior shall cause patents to be issued conveying to said purchaser, defendant, or defendants, and their successors and assigns, all of the right, title, and interest of the United States in and to all of said lands; and such purchase shall operate as a compromise of any and all claims of the United States for waste or trespass upon any of said lands committed by such purchaser, defendant, or defendants, or their successors or assigns, respectively: *Provided*, That the benefits of this section shall not be exercised or enjoyed except in cases where decree shall have been entered pursuant to stipulation entered into as aforesaid: *And provided further*, That the provisions of this section shall not apply to any lands that have not been patented to said Oregon and California Railroad Company: *And provided further*, That the aforesaid privilege of purchasing said forfeited lands shall not be exercised or enjoyed as to less than all of the lands involved in said suits, respectively, the purpose hereof being to prevent the elimination from any purchase of any lands from which timber has been removed or upon which any other waste or trespass has been committed, or the elimination of any part whatever of any land from such purchase.

SEC. 5. That the provisions of section four of this act shall not be construed to apply to the suit involving approximately two million three hundred and sixty thousand acres now pending in the District Court of the United States for the District of Oregon, wherein the United States of America is complainant and the Oregon and California Railroad Company, the Southern Pacific Company, Stephen T. Gage, the Union Trust Company, and others are defendants, being designated in the records and files of said court as suit numbered thirty-three hundred and forty; nor shall the provisions of said section four of this act be construed to apply to any of the lands involved in said last-described suit nor to create any rights or privileges whatever in favor of the defendants therein.

SEC. 6. That nothing in this act contained, nor action taken pursuant to the provisions of this act, shall be construed as a condonation of any of the breaches of any of the conditions or provisions annexed to any of the grants designated in said joint resolution approved April thirtieth, nineteen hundred and eight, nor as a waiver of any of said conditions or provisions, nor as a waiver of any right of forfeiture in favor of the United States on account of any breach or breaches of any of said conditions, nor as a waiver of any cause of action or remedy of the United States on account of any breach or breaches of any of said conditions or provisions nor as a waiver of any other rights or remedies existing in favor of the United States.

Approved August 20, 1912.

The Department of Justice, pursuant to the joint resolution of 1908, brought proceedings against the railroad company for the forfeiture of the grant and the matter has heen in court in one form and another since that time. The termination of the litigation may be found in the Supreme Court decision entitled "The Oregon & California Railroad Co. *v.* United States" (238 U. S., p. 393). The decision seems to your committee to be so important that, though lengthy, it is printed in full and is as follows:

STATEMENT OF THE CASE OF OREGON & CALIFORNIA RAILROAD V. UNITED STATES (238 U. S., 393).

This writ brings up for review a decision of the United States District Court for the District of Oregon decreeing the forfeiture of the unsold portion of certain lands granted by Congress to certain railroad companies and quieting the title of the United States thereto.

In consequence of a memorial presented to it, Congress, on April 30, 1908, adopted a joint resolution which authorized and directed the Attorney General of the United States to institute and prosecute any and all suits in equity, actions at law, or other proceedings, to enforce any rights or remedies of the United States arising and growing out of either of the following acts of Congress, to wit: "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California, to Portland, in Oregon," approved July 25, 1866 (ch. 242, 14 Stat., 239), as amended by the acts approved June 25, 1868 (ch. 80, 15 Stat., 80), and April 10, 1869 (ch. 27, 16 Stat., 47), and "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870 (ch. 69, 16 Stat., 94).

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The Attorney General was empowered to assert all rights and remedies existing in favor of the United States, including the claim on behalf of the United States that the lands granted by such acts, or any part of the lands, have been or are forfeited to the United States by reason of any breaches or violations of the terms or conditions of either of such acts which may be alleged or established in such suits, actions, or proceedings.

The resolution declared that it was not intended to determine the right of the United States to any such forfeiture or forfeitures, but to fully authorize the Attorney General to assert on behalf of the United States, and the courts or court before which such suits, actions, or proceedings might be instituted or pending to entertain, consider, and adjudicate the claim and right of the United States to such forfeiture or forfeitures, and, if found, to enforce the same. (Resolution 18, 35 Stat., 571.)

Being so authorized, the United States brought this suit as complainant against the Oregon & California Railroad Co., the Southern Pacific Co., Stephen T. Gage (individually and as trustee), the Union Trust Co. (individually and as trustee), John L. Snyder, and certain others as defendants, to declare forfeited to the United States lands of the Oregon & California Railroad Co., aggregating 2,300,000 acres, which inured to the predecessors in interest of the company under the acts of Congress referred to in the resolution.

The bill set forth the acts of Congress and alleged that it was expressed that neither the amendatory act of April 10, 1869, nor the act of 1866 would be construed to entitle more than one company to the grant of land, and that following such provision, which was in the act of 1869, there was this proviso: "*And provided further*, That the lands granted by the act aforesaid (act of 1866) shall be sold to actual settlers only, in quantities not greater than one quarter section to one purchaser, and for a price not exceeding $2.50 per acre.

That the act of May 4, 1870, also contained the provision (sec. 4) that the lands granted thereby, excepting only such as were necessary for depots and other needful uses in operating the road, should "be sold by the company to actual settlers, in quantities not exceeding 160 acres or a quarter section to any one settler, and at prices not exceeding $2.50 per acre."

The bill also detailed the organization of companies and the steps taken by them to avail themselves of the grants and accomplish the purpose for which they were made; the steps and proceedings in the construction of the roads contemplated; the issue of patents for the lands granted; the amount of land sold and unsold, and wherein and by what acts there had been breaches of the provisions of the acts above set forth, which were alleged to have been conditions subsequent, and that by such breaches the grants had become forfeited. The bill likewise detailed the various steps and the proceedings whereby the Oregon & California Railroad Co. became the owner of the grants, the connection of the defendants, the Southern Pacific Co., Gage, and the Union Trust Co. therewith, and the rights they asserted therein.

It was alleged that each of the other defendants (other than the railroad company, the Southern Pacific Co., Gage, and the Union Trust Co.) asserted an interest in the lands, created, as they alleged, by actual settlement in good faith upon certain of the unsold lands, not exceeding one quarter section, with intention of making a permanent home thereof, and had applied to the railroad company to purchase the same; that the said defendants had instituted suits against the railroad company, Gage, and the Union Trust Co. to compel a sale and conveyance of the lands to them; that unless enjoined they would prosecute their suits to final judgments, and that they were hence made parties to suit in order that they might be so enjoined, and, if the court so order, be permitted to set forth their respective claims for adjudication.

The bill prayed a forfeiture of the unsold lands and that the title of the Government thereto be quieted, or, if such relief be denied, that the lands be adjudged subject to purchase by actual settlers in quantities not exceeding 160 acres to any one purchaser and at a price not exceeding $2.50 per acre; that a receiver be appointed to sell the lands and account for the proceeds "as the court shall direct."

If such relief be denied, that a mandatory injunction issue requiring the railroad company to offer for sale and to sell the lands as required by the grants. And the bill also prayed that all of the defendants be enjoined from asserting any right, title or interest in and to the lands or committing waste thereon and for an accounting of all moneys received from the sale of lands or timber.

The persons who asserted interests acquired by actual settlement were made parties to this suit and the causes consolidated, and Snyder and others filed cross complaints herein setting up their alleged rights. And there were about 6,000 other persons who by the court were permitted as interveners to present their claims for consideration and adjudication. They are represented in the record by the petition and papers of B. W. Nunnally and others.

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The cross complainants alleged that they were actual settlers upon the lands granted by the act of May 4, 1870, long prior to the institution of any suit or the assertion of any claim of forfeiture by the Government, and the petitions in intervention averred that the petitioners were applicants to purchase lands granted by that act or the act of July 25, 1866; and both cross complaints and petitions respectively alleged in substance that the lands were granted in trust to the respective grantee companies for actual settlers or those who should become such, and alleged respectively tender of the purchase price, demand for conveyances, and the refusal of the railroad company to accept the tender or make the conveyances. And both cross complainants and interveners asserted a prior right to the extent of the land demanded by them, respectively; denied that the grants had become forfeited and resisted the relief prayed by the Government. They adopted in all other particulars the allegations of the bill and relied upon them as the basis of their respective claims; prayed that the railroad company be decreed to hold in trust the legal title to the land respectively claimed by them, that their several rights be established and enforced, and that the railroad company be directed to convey to each of them the tract of land applied for by each, and for general relief.

Demurrers were sustained to the cross complaints and to the petitions in intervention. Demurrers to the bill were overruled. (186 Fed. Rep., 861.) Joint and several answers were then filed by the railroad company, the Southern Pacific Co. and Gage. The Union Trust Co. answered separately. These companies when referred to collectively will be called defendants.

The answers admitted most of the allegations of the bill and denied others; alleged facts in resistance to the construction of the Government of the acts of Congress and to the relief prayed, justified the alleged breaches of the conditions or covenants of the grants and set up laches, waiver of the breaches, and statutes of limitation.

A good deal of testimony was taken, but the case was practically submitted and a decree entered upon a stipulation of facts made by the Government and defendants. It of itself is quite voluminous, but we deem only certain of its facts material.

By the act of July 25, 1866, *supra* (ch. 242, 14 Stat., 239), Congress authorized and empowered the California & Oregon Railroad Co., which had been organized under a statute of the State of California, and such company, organized under the laws of Oregon, as the legislature of that State should designate, to construct and maintain a railroad and telegraph line between the city of Portland, in Oregon, and the Central Pacific Railroad in California, as follows: The California & Oregon Co. to construct that part of the railroad and telegraph line within the State of California, beginning at a point to be selected by the company on the Central Pacific Railroad in Sacramento Valley, and running thence northerly through the Sacramento and Shasta Valleys to the northern boundary of the State; the Oregon Co. to construct the part in Oregon from Portland south through certain designated valleys to the southern boundary of Oregon to connect with the part constructed by the first-named company. Whichever company first completed its respective part of the road from the designated terminus to the boundary line between the States was authorized to continue construction until the parts should meet and connect, and the whole line of railroad and telegraph should be completed.

Section 2 of the act granted to the companies, their successors and assigns, "for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the line of said railroad, every alternate section of public land, not mineral, designated by odd numbers, to the amount of 20 alternate sections per mile (10 on each side) of said railroad line."

In case of deficiency in the original sections granted other lands might be selected in lieu thereof. Upon the filing of the survey of the railroad the lands granted were to be withdrawn from public sale so far as located within the limits designated. And it was provided that the lands granted should be applied to the building of the said road within the States, respectively, wherein they were situated; and that the lands reserved by the Government should not be sold except at double the minimum price of public lands, with provisions for sale to actual settlers under the preemption and the homestead laws.

Section 3 granted to the companies the right of way through the public lands "for the construction of said railroad and telegraph line" 100 feet in width on each side of the road, including grounds for stations, etc., and the right to take from the public lands materials for the construction of the road.

Section 4 provided that when 20 or more consecutive miles of any portion of the railroad and telegraph line should be ready for the service contemplated, commissioners should be appointed by the President to examine the same, and if it should appear that 20 miles had been completed and equipped in all respects as required by the act, and the commissioners should so report under oath to the President of the

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United States, patents should issue to the companies or either of them, as the case might be, to the extent of the completed section, and successively as 20 or more miles should be constructed, until the entire railroad and telegraph line authorized by the act should be constructed, and patents to the lands granted should be issued.

Section 5 expressed that the grants were made upon the condition that the companies should keep the railroad and telegraph in repair and use and transport the mails and dispatches for the Government when required to do so by any department thereof; that the Government should have the preference in the use of the railroad and telegraph at reasonable rates, not exceeding those paid by private parties, and that the road should remain a public highway for the use of the Government, free of toll or other charges upon the transportation of the property or troops of the United States, and at the cost and charge of the corporation or companies.

Section 6 required assent to the act to be filed in the Department of the Interior within one year after the passage of the act, and that the first section of 20 miles should be completed within two years, and 20 miles in each year thereafter, and the whole on or before July 1, 1875; and the road to be of the same gauge as the Central Pacific Railroad of California and be connected therewith.

Section 7 required the roads to be operated and used as one connected and continuous line and afford to the Government and the public equal advantages and facilities as to rates, time, and transportation.

Section 8 provided that for failure to file assent to the act or to complete the road as required the act should be null and void, "and all the lands not conveyed by patent to said company or companies, as the case may be, at the date of such failure, shall revert to the United States."

And it was provided if the road and telegraph should not be kept in repair and fit for use the United States might put the same in repair and use and might devote the income of the road and telegraph line to repay all expenditure caused by the default of the companies or either of them, or might fix pecuniary responsibility not exceeding the value of the lands granted.

Section 9 provided that wherever the word "company" or "companies" was used in the act it should be construed to embrace the words "their associates, successors, and assigns" the same as if the words had been inserted or thereto annexed.

Sections 10 and 11 are not material to be quoted. And section 12 provided that Congress might, at any time, having due regard for the right of the companies, "add to, alter, amend, or repeal" the act.

To avail of the grant, the Oregon Central Railroad Co. was incorporated October 6, 1866. It projected its road from Portland to Forest Grove, thence southerly on the westerly side of the Willamette River and became known as the "West Side Co." and its railroad line as the "West Side Line."

The Legislature of Oregon, by joint resolution adopted October 10, 1866, designated the Oregon Central as the road to receive the land grant. (There were certain steps in the organization of the company not important.)

The assent of the company to the act of 1866 was filed in the office of the Secretary of the Interior and subsequently (Aug. 20, 1868) a map of survey of its projected line.

April 22, 1867, certain persons, contending that the Wesr Side Co. had not been lawfully incorporated or organized, and desiring to secure the grants and other benefits under the act of 1866, caused proceedings to be taken, intending to organize under the general laws of Oregon the Oregon Central Railroad Co., of Salem, and so named in its articles of incorporation. It projected its line of railroad on the easterly side of the Willamette River and became known as the "East Side Co." and its railroad line as the "East Side Line."

In furtherance of its design it procured from the Legislature of Oregon, on October 20, 1868, the adoption of a joint resolution which declared that the West Side Co. was not properly incorporated and was incapable of receiving the grant, and designated the Oregon Central Railroad Co., organized at Salem on April 22, 1867, "as the company entitled to receive the lands in Oregon and the benefits and privileges conferred by the said act of Congress." (Oregon session laws, 1868.)

Controversy arose between the companies as to which was entitled to the benefits of the act of 1866, which controversy continued until about January, 1870.

The controversy was carried to Congress, and on April 10, 1869, Congress passed an act which amended section 6 of the act of 1866 so as to allow any railroad company theretofore designated by the Legislature of Oregon to file its assent to the act of 1866 within one year from the date of the amending act, and providing that nothing therein contained should impair any rights theretofore acquired by any railroad company; but declaring that neither the act of 1866 nor the amending act should be construed to entitle more than one company to a grant of land. "*And provided further*, That the lands granted by the act aforesaid (act of 1866) shall be sold to actual settlers

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only, in quantities not greater than one quarter section to one purchaser, and for a price not exceeding $2.50 per acre."

On June 8, 1869, the East Side Co. adopted a resolution which recited the act of July, 1866, its designation by the Legislature of Oregon as the company to receive the grant, the passage of the act of April 10, 1869, and concluded as follows: "This company, the Oregon Central Railroad, of Salem, Oreg., * * * do hereby accept all the provisions, rights, privileges, and franchises of said act of July 25, 1866, * * * and of all acts amendatory thereof, and upon the conditions therein specified, and do hereby give our assent and the assent of such company thereto."

A certified copy of the resolution was filed in the office of the Secretary of the Interior June 30, 1869, and in the following October a map of survey of location of the first 60 miles of the projected line. On December 24, following, the company completed the first 20 miles within the prescribed time, and the same was examined and approved by commissioners appointed therefor pursuant to the provisions of section 4 of the act of 1866.

March 16, 1870, the Oregon & California Railroad Co. was incorporated, and on March 29, 1870, the East Side Co. assigned to it all of its property, including the land grant, with present and future rights under the act of July, 1866, and acts amendatory thereof and supplemental thereto, and by virtue of any act or resolution of the Legislature of Oregon, and by the action of its stockholders the East Side Co. was dissolved and its stock canceled.

Resolutions were adopted by the Oregon & California Railroad Co. accepting the transfer and also a resolution accepting the act of 1866 and amendments thereto, and "all the benefits and emoluments therein or thereof granted, and upon the terms and conditions therein specified," and authorizing its assent to be filed with the Secretary of the Interior and a copy of the deed of assignment from the Oregon Central Railroad Co. This was done. and since the date of the transfer (Mar. 29, 1870) the Oregon & California Railroad Co. has assumed and still assumes itself to be the successor of the East Side Co. and of all its rights under the acts of Congress.

The West Side Co. abandoned all claims under the act of 1866 and solicited and obtained from Congress by the act of May 4, 1870, a grant of other lands. The act recited (sec. 1) that for the purpose of aiding in the construction of a railroad and telegraph line from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamkill River, near McMinnville, in the State of Oregon, there is granted to the Oregon Central Railroad Co., now engaged in constructing the said road, and to their successors and assigns, the right of way through the public lands, and the right to take materials from the public lands and necessary lands for depots, etc., not exceeding 40 acres at any one place, and also 20 alternate sections per mile of the public lands, not mineral, excepting coal or iron lands, designated by odd numbers, not disposed of or reserved or held by valid preemption or homestead rights at the time of the passage of the act.

There was the usual provision for selecting other lands in case of deficiency, the survey of the lands along the line of the railroad, the segregation of lands upon the survey and location of 20 or more miles of road, and for the disposition of the lands reserved by the Government within the limits of the grant only to actual settlers at double the minimum price for such lands.

The issuance of patents was provided (sec. 3) upon the completion and equipment of 20-mile sections of the railroad.

By section 4 it was enacted "That the said alternate sections of land granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, sidetracks, wood yards, standing ground, and other needful uses in operating the road, shall be sold by the company only to actual settlers in quantities not exceeding 160 acres or a quarter section to any one settler, and at prices not exceeding $2.50 per acre."

It was provided (sec. 5) that the company should, by mortgage or deed of trust to two or more trustees, appropriate and set apart the net proceeds of the lands as a sinking fund, to be kept invested in United States bonds or other safe securities for the purchase from time to time of the first mortgage construction bonds on the road, depots, etc., and that no part of the funds should be applied to any other purpose until all of the bonds should have been purchased or redeemed or canceled.

An assent to the act was required to be filed with the Secretary of the Interior (sec. 6) and it was expressed that the grant was upon the condition that 20 miles or more of the road should be completed within two years and the entire road and telegraph line within six years from the date of the act.

In this act Congress, by the words "Oregon Central Railroad Co.," referred to the West Side Co.

On July 20, 1870, the West Side Co. filed its assent to the act in the office of the Secretary of the Interior.

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During the year 1870 the Oregon & California Railroad Co. procured, by mortgage bonds, approximately $8,000,000, and during the year 1871 the West Side Co. in the same way procured about $1,000,000. With the funds thus procured the lines of railroad contemplated by the act of 1866 and the act of May 4, 1870, respectively, were prosecuted continuously until about January, 1873.

As stated, the East Side Co. completed the construction of the first 20 miles of its railroad, and the Oregon & California Railroad Co., after the assignment and transfer to it, as stated, continued construction in 1870, 1871, and 1872 for a distance of approximately 197 miles; and the West Side Co., with the funds procured by it in 1871, constructed its line under the act of 1870 from Portland to McMinnville, a distance of approximately 47 miles. There was no other construction by the West Side Co., and the lands contiguous to the line of road from Forest Grove to Astoria was forfeited by act of Congress of January 31, 1885.

Financial vicissitutes came to both companies and construction was suspended. It was never resumed by the West Side Co., and the East Side Co., under its new name of Oregon & California Railroad Co., finally became, by the assignment of the West Side Co., the owner of the grants under both acts.

The consideration of the conveyance was the payment of the debts of the West Side Co. Since the date of the conveyance the Oregon & California Railroad Co. has assumed and still assumes itself to be the successor of the West Side Co., in and to all of the rights, franchises, and property granted or intended to be granted by the act of May 4, 1870.

Further financial difficulties impeded the construction of the road and these were met by the various processes detailed in the stipulation of facts, and which we omit, except as referred to in the opinion. Among these were a cancellation of the stock of the company and a reissue secured by a trust deed, of which Stephen T. Gage became the only surviving trustee, and issue of bonds, the trust deed to the Union Trust Co., leases to the Southern Pacific Co., and the final control by that company through stock ownership of all of the properties and land grants. That company thereafter administered the land grants. These transactions were alleged as breaches of the conditions which, it is contended, were constituted by the provisos in the respective acts given above, providing for the sale of the granted lands to actual settlers.

There were sold by the Oregon & California Railroad Co. prior to May 12, 1887, 163,430.28 acres of the granted lands, nearly all of which were sold to actual settlers in small quantities, although in a few instances the quantities exceeded 160 acres to one purchaser, and the prices were slightly in excess of $2.50 an acre. A rapidly increasing demand for the lands in large quantities at increased prices commenced about 1889 or 1890 and has continued ever since. From 1894 to 1903 some of the granted lands were sold to persons not actual settlers in quantities and at prices exceeding the maximum designated in the provisos, and in several instances in quantities from 1,000 to 20,000 acres and to one purchaser at prices ranging from $5 to $40 an acre—and in one instance a sale of 45,000 acres at $7 an acre to a single purchaser. About 5,306 sales were made, aggregating 820,000 acres, of which sales about 4,930 were for a quantity not exceeding 160 acres and 376 sales in quantities exceeding 160 acres to one purchaser, aggregating 524,000 acres. The latter sales were to persons other than actual settlers and for other purposes than settlement and at prices in excess of $2.50 an acre; and approximately 478,000 acres were sold since 1897, and approximately 370,000 of the 524,000 were sold to 38 purchasers in quantities exceeding 2,000 acres to each purchaser. Approximately three-fourths of all sales made since 1897 were made by contracts providing for the payment of the purchase price in from five to ten annual payments and execution of conveyance upon final payment, a considerable number of which contracts were pending when this suit was brought.

On January 1, 1903, the company withdrew from sales all of its lands and refused to accept offers for any of them, asserting that they were timberlands and unsuitable for settlement. At the time the answer was filed there remained unsold 2,360,492.81 acres, of which 2,075,616.45 acres were therefore patented under the land-grant acts, and 284,876.36 acres at that time remained unpatented, all of which are claimed by the company under the land grants.

Since January, 1903, over 4,000 persons have applied to purchase certain of the unsold lands, claiming that they desired to do so for the purpose of settling and establishing homes thereon, and each applicant stated that he was willing and able to tender at the rate of $2.50 therefor. Until about the year 1890 or 1891 there was substantially no demand for the granted lands except for the purpose of settlement, and nearly all of the sales prior to the year 1894 were made for settlement and to settlers.

Prior to 1894 the company maintained an immigration bureau to induce settlement upon the lands, and the greater part of the sales made after that year were to persons not settlers and for prices exceeding $2.50 per acre.

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It was testified that the gross amount of lands that inured to the Oregon & California Railroad Co. under both the east-side and the west-side grants was 3,182,169.57 acres, and it was stipulated that between the years 1871 and 1906 there were patented under the east-side grant 2,745,786.68 acres, and between the years 1895 and 1903 there were patented under the west-side grant 128,618.13 acres, leaving unpatented 307,764.76 acres.

At the time the answer was filed there remained unsold of the granted lands 2,360,-492.81 acres, of which 2,075,616.45 acres were therefore patented to the Oregon & California Railroad Co. under the land grants, and 284,876.36 thereof at that time remained unpatented, all of which unsold lands are claimed by the railroad company under and by virtue of the grants. The reasonable value of said unsold lands exceeds the sum of $30,000,000. There is a table attached to the answer showing the net amount received by the railroad company to be, after all disbursements, $2,495,094.03. (The bill, as we have seen and presently more at length refer to, prays a forfeiture of the unsold lands only.)

Pursuant to the rules and regulations of the Interior Department, all of the patents were issued to and based upon applications in writing therefor from time to time filed in the appropriate land office of the United States by the Oregon & California Railroad Co. as the "successor and assign" of the East Side Co. and the West Side Co., respectively. Each application was accompanied by an affidavit, which alleged among other things the following: "The said lands are vacant, unappropriated, are not interdicted mineral, nor reserve lands, and are of the character contemplated by the granting act" under which the patents were applied for.

The stipulation sets out the creation of an auditor of railroad accounts and subsequently the creation of a commissioner of railroads, and his duties by various acts of Congress until 1904, when the bureau was terminated and the duties, files, and records thereof were transferred to the Secretary of the Interior, and that from 1879 to and including 1903 reports were made of the transactions of the land department of the Oregon & California Railroad Co. upon blanks furnished by such bureau. The details of the reports are given, which show many sales of the lands in excess of $2.50 per acre.

The bureau, it is stipulated, made annual reports to the Secretary of the Interior, which were embodied in his annual report to the President, and by the President forwarded to Congress, where they were referred to appropriate committees and printed as executive documents.

These reports show the administration of the grants by the company, the number of acres received under the grants, the number sold, and at what prices, some of which exceed $2.50 per acre, and that the price asked for lands not sold was in excess of that sum per acre.

Opinion in the Case of Oregon & California Railroad Co. v. United States.

(The opinion was delivered by Mr. Justice McKenna.)

A direct and simple description of the case would seem to be that it presents for judgment a few provisions in two acts of Congress which neither of themselves nor from the context demand much effort of interpretation or construction. But the case has never been considered as having that simple directness. A bill which occupies 78 pages of the record (exclusive of exhibits), the allegations of which were iterated and reiterated by cross complainants and interveners and added to, and an answer that admitted or traversed their averments with equal volume and circumstance, constituted the case for trial. Seventeen volumes of testimony, each of many pages, were deemed necessary to sustain the case as made. It is certain, therefore, that no averment has been omitted from the pleadings; no fact from the testimony that has any bearing on the case; the industry of counsel has neglected no statute or citation, and their ability no comment or reason that can elucidate or persuade. As we proceed it will be seen that we have rejected some contentions. It is not the fault of counsel if we have misunderstood them.

Yet, with all the research, it may be on account of it, the contestants have not preserved an exact alignment and have shown no preference as to the company in which contents are made or opposed.

The Government contends that the provisos, we so designate them and shall so refer to them, though they differ in technical language, constitute conditions subsequent and that by the alleged breaches indicated the lands became forfeited to the United States. The railroad company and other defendants contend that the provisos constitute restrictive and unenforceable covenants. The cross complainants insist that a trust was created for actual settlers and the interveners urge that the trust has

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the broader scope of including all persons who desire to make actual settlement upon the lands.

This curious situation is presented: The Government joins with the railroad in opposing the contentions of the cross complainants and interveners. Both of the latter unite with the Government in contesting the position of the railroad, but join with the railroad against the Government's assertion of forfeiture. The cross complainants attack the claim of the interveners, and the State of Oregon, through its attorney general, without definitely taking sides in the controversies, declares it to be to the interest of the State, and expresses the hope that the lands now withdrawn by the railroad shall be "subject to settlement and improvement, as contemplated by the provisions of the grant, in order that these vast areas of the State may be improved, but also that the lands may not be withdrawn from taxation, thus depriving the State, and especially the 18 counties in which they are situated, of a large proportion of their resources from direct taxation." The interest and hope expressed seem like a prayer against the Government's contentions.

There is something more in these opposing contentions than a wrangle or medley of interests, and we are admonished that the words of the provisos, simple and direct as they are of themselves, take on, when they come to be applied, ambiguous and disputable meaning. It may be said at the outset that if ambiguity exists there may be argument in it against some of the contentions.

However, without anticipating, let us consider the provisos, and we repeat them to have them immediately under our eyes. The first is contained in the act of April 10, 1869. That act was expressed to be an amendment of the act of 1866 and to relieve from the effect of the expiration of the time for filing assent to the act of 1866 and to give "such filing of assent, if done within one year from the passage of the" amending act, the same force and effect to all intents and purposes as if it had been filed within one year after the passage of the act of 1866. Then came this proviso, which was preceded by another not necessary to quote: "*And provided further*, That the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one quarter section to one purchaser, and for a price not exceeding $2.50 per acre."

The act of May 4, 1870, making the grant to the West Side Co., provides, in section 4, that the lands granted, excepting only such as are necessary for depots and other needful uses in operating the road, "shall be sold by the company to actual settlers," the quantities and the price being designated as in the act of 1869.

These, then, are the provisos which are submitted for construction. The contention of the Government is as we have seen, and it lies at the foundation of its assertion of forfeiture of the grant, that they constitute conditions subsequent.

The argument to support the contention is based first on the general considerations that experience had demonstrated to the country the evils of unrestricted grants, and that the bounty of Congress had been perverted into a means of enriching "a few financial adventurers," and that lands granted for national purposes "were disposed of in large blocks to speculators as well as to development companies organized by officers of the railroad companies." Informed by such experience, in substance is the contention, and solicited by petition and moved by the reasoning of some of its Members, Congress changed its policy of unqualified bounty, and, while not refusing to contribute to the aid of great enterprises, sought to prevent the perversion of such aid to selfish and personal ends, and to promote the development of the country by the disposition to actual settlers of the lands granted. And, it is insisted, efficient means were adopted to secure the purpose by making the provisos conditions subsequent, with the sanction of forfeiture for violation.

These general considerations are supplemented by a special and technical argument. The provisos and their context, it is said, show the general characteristics of conditions—that is, they make the estate granted and its continuance to depend upon the doing of something by the grantee, and that the proviso in the act of 1869 is expressed in apt and technical words, by the use of which, it is further contended, it is established by authority that an estate upon condition is necessarily created. Cases are cited, and the following is quoted from page 121 of Sheppard's Touchstone: "That for the most part conditions have conditional words in their frontispiece, and do begin therewith; and that among these words there are three words that are most proper, which in and of their own nature and efficacy, without any addition of other words of reentry in the conclusion of the condition, do make the estate conditional, as proviso, ita quod, and sub conditione. * * * But there are other words, as si, si contingat, and the like, that will make an estate conditional also, but then they must have other words joined with them and added to them in the close of the condition, as that then the grantor shall reenter, or that then the estate shall be void, or the like." And words of such determining effect, it is urged, introduce and give meaning to the proviso in the amendatory act of 1869.

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But it will be observed there are no such controlling words in the provision for the sale to actual settlers in the act of May 4, 1870—that is, in the grant to the West Side Co.; and the Government is confronted by the rule which it quoted, that in such cases there must be "words of reentry" or a declaration "that then the estate shall be void, or the like." The Government, therefore, varies and relaxes the rule it invokes and admits that the sense of a law or terms of an instrument may be found in other words than the quoted technical ones if the intention is made clear.

It is not necessary to review the cases cited respectively to sustain and oppose the contending arguments. The principles announced in the cases are rudimentary and may be assumed to be known and the final test of their application to be the intention of the grantor.

These principles will be kept in mind in our consideration of the acts of Congress involved, and besides that there may be a difference in rigor between public and private grants and that this court has especially said that railroad land grants have the command and necessarily, therefore, the effect of law.

The Government reinforces its contention, as we have seen, with what it considers a change of policy in legislation and in effect insists that restrictions upon the disposition of the lands granted became more dominant in purpose than the building of the roads, to aid which it was admitted the lands were necessary. The argument is hard to handle, as indeed are all arguments which attenpt to assign the exact or relative inducements to conjoint purposes. In the first grants to railroads there were no restrictions upon the disposition of the lands. They were given as aids to enterprises of great magnitude and uncertain success and which might not have succeeded under a restrictive or qualified aid. However, a change of times and conditions brought a change in policy, and while there was a definite and distinct purpose to aid the building of other railroads, there was also the purpose to restrict the sale of the granted lands to actual settlers. These purposes should be kept in mind and in their proper relation and subordination.

We shall be led into error if we conclude that because the railroad is attained it was from the beginning an assured success, and that it was a secondary and not a primary purpose of the acts of Congress. There is much in the argument of the defendants that the aid to the company was part of the national purpose, which this company has said induced the grants to the transcontinental railroads (91 U. S., 79; 99 U. S., 48; United States *v.* Sanford, 161 U. S., 412). And we may say that the policy was justified by success. Empire was given a path westward and prosperous Commonwealths took the place of a wilderness.

But such success had not been achieved when the grant of 1866 was made nor in full measure when the acts of 1869 and 1870 were passed, and it may be conceded that they were intended to continue and complete such national purpose, and that it was of the first consideration, but the secondary purpose was regarded and provided for in the provisos under review. Both purposes must be considered. It may be that it was not expected that actual settlers would crowd into "the vast unpeopled territory," but the existence of such settlers at some time must have been contemplated. Both purposes, we repeat, were to be subserved, and how to be subserved is the problem of the case.

There is certainly a first impression against a forfeiture being the solution of the problem or that there was necessity for it. A forfeiture of the grant might have been the destruction of the enterprise, and settlement postponed or made impossible to any useful extent by the inaccessibility of the lands. And forfeiture was, besides, beset with many practical difficulties as a remedy. When, indeed, would it be incurred? The obligation of the provisos and the remedy for their breach were coincident. The refusal of the demand of the first actual settler (if there could be such without the consent of the railroad) or of the first applicant for settlement would subvert the scheme of the acts of Congress. It can not be that the grants were intended to be so dependent and precarious and the enterprises so menaced with peril and, it might be, brought to disaster.

Are the contingencies fanciful? Such character may be asserted of any conjecture of what might have occurred but which did not, and yet to construe a statute we must realize its inducements and aims, solving disputes about them by a consideration of what might accomplish or defeat such aims. The acts under review conferred rights as well as imposed obligations, and it could not have been intended that the latter should be so enforced as to defeat the former. We have given an instance of how this might be done by regarding the provisos as conditions subsequent. Another instance may be given. In its argument at bar the Government insisted that it was the duty of the railroad company to have provided the machinery for settlement and by optional sales, guarded by probational occupation of the lands, to demonstrate not only initial but the continued good faith of settlers, and that the omission to do so was of itself a breach of the provisos and incurred a forfeiture of the

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grants. But when did such obligation attach? Before or after the construction of the road—construction in sections, or completely? The contention encounters the Government's admission that there was no obligation imposed upon the railroad to sell. And we have the curious situation (which is made something of by cross complainants and interveners in opposition to the Government's contention) of the right of settlers to buy but no obligation on the railroad to sell, and yet a duty of providing for sales under an extreme and drastic penalty. We may repeat the question: Might not such consequences have ended the enterprise, making it and its great purpose subordinate to local settlement? Indeed, might not both have been defeated by the inversion of their purposes?

The omission to institute a plan of settlement and sale is not alleged in the bill as a breach of the provisos. The first breach alleged is the trust deed to Stephen T. Gage and the next the trust deed to the Union Trust Co. But these deeds manifestly were but forms of security, even if they went too far and were not binding to the extent of their excess. The Government admits that the grants were intended to be used as a basis of credit, and we have argument again against a forfeiture by the dilemma to which the railroad might be brought in its attempt to comply with all the provisions of the act as well as with the provisos. If it failed to complete the road within the time required, the granting act was to become "null and void" (upon which we shall presently comment). If it made efforts to complete the road by using the grants as a means of credit, it might forfeit them.

But there is a better argument than what may be deduced from the solution of perplexing difficulties or the conjecture of possible contingencies. It will be observed that there was an explicit provision in the act of 1866 that upon the failure of the companies to file assent to the act and to complete the road as and within the time required the act should "be null and void," and the lands not patented at the time of such failure should "revert to the United States." And it was provided that if the road should not be "kept in repair and fit for use" Congress by legislation might put the same in that condition and repay its expenditures from the road's income or fix pecuniary responsibility upon the company not exceeding the value of the lands granted.

Congress therefore had under consideration remedies for violations of the provisions of the act and adjusted them according to what it considered the exigency. As a penalty for not completing the road as prescribed Congress declared only for a reversion of the lands not then patented; for not maintaining it in repair and use Congress reserves the right temporarily to sequester the road; and yet for a violation of the provision for sale to settlers it is urged that Congress condemned to forfeiture not only the lands then unpatented but those patented. Mark the difference. Was noncompletion of the road of less consequence than settlement along its line? Not necessarily complete settlement, but any settlement—the refusal, it might be, of the acceptance of a single offer of settlement, or even, as it is contended, of making provision for settlement, being of greater consequence and denounced by more severe penalty than the declared conditions; that is, assent to the act, completion of the road, and its maintenance. This is difficult, if not impossible, to believe.

It appears, therefore, that the acts of Congress have no such certainty as to establish forfeiture of the grants as their sanction, nor necessity for it to secure the accomplishment of their purposes—either of the construction of the road or sale to actual settlers—and we think the principle must govern that conditions subsequent are not favored but are always strictly construed, and where there are doubts whether a clause be a covenant or condition the courts will incline against the latter construction; indeed, always construe clauses in deeds as covenants rather than as conditions, if it is possible to do so. (2 Washburn on Real Property, 4.) And this because "they are clauses of contingency on the happening of which the estates granted may be defeated." And it is a general principle that a court of equity is reluctant to (some authorities say never will) lend its aid to enforce a forfeiture.

By this conclusion do we leave the provisos meaningless and the Government without remedy for their violations? There is no argument in a negative answer. From the defects of a provision we can deduce nothing nor on account of them substitute one of greater efficacy.

But must the answer be in the negative, and by rejecting the contention of the Government are we compelled to accept that of the railroad company—or we may say those of the railroad company, for the contentions are many, some of which preclude the application of the provisos, some of which assert their invalidity, and others limit their application.

If not first in order, at least in more immediate connection with the contention of the Government is the contention that the provisos are not conditions subsequent but simple covenants, and, it is said, restrictive and negative only, and therefore not

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enforceable. In support of the contention all of the uncertainties or asserted uncertainties of the provisos are marshaled and amplified. We can only enumerate them. There is uncertainty, it is asserted, in the legal measure of duty, therefore, of its performance—for whom to be performed and when; nor is the time or condition of settlement prescribed, whether by the standard of the homestead or preemption laws; nor by what test or by what tribunal contests between applicants to purchase are to be determined; no compulsion of sale at any time, to any person, in any quantity; no mutuality in the covenant; no assurance that settlers will apply, and no obligation assumed by them. And the conclusion is deduced that the actual settlers clauses, viewed even as covenants, were either impossible of performance or repugnant to the grants, and, therefore, void.

The arraignment seems very formidable, but is it not entirely artificial? It is stipulated that prior to 1887 more than 163,000 acres of the granted lands were sold, nearly all of which were sold to actual settlers, in small quantities. If the sale of 163,000 acres of land encountered no obstacle in the enumerated uncertainties we can not be impressed with their power to obstruct the sale of the balance of the lands. The demonstration of the example would seem to need no addition. But passing the example, as it may be contended to have some explanation in the character of the lands so disposed of, the deduction from the asserted uncertainties is met and overcome by the provisos and their explicit direction. They are, it is true, cast in language of limitation and prohibition; the sales are to be made only to certain persons and not exceeding a specified maximum in quantities and prices. If the language may be said not to impose "an affirmative obligation to people the country" it certainly imposes an obligation not to violate the limitations and prohibitions when sales were made, and it is the concession of one of the briefs that the obligation is enforceable, and that, even regarding the covenant as restrictive, the "jurisdiction of a court of equity, upon a breach or threatened breach of the covenant, to enforce performance by enjoying a violation of the covenant can not be doubted." Apposite cases are cited to sustain the admission, and in answer to the contention of the Government that it could recover no damages for the breach and hence had no enforceable remedy but forfeiture, it is said: "But the jurisdiction of a court of equity in such cases does not depend upon the showing of damage. Indeed, the very fact that injury is of public character and such that no damage could be calculated, is an added reason for the intervention of equity." And cases are adduced. We concur in the reasoning and give it greater breadth in the case at bar than counsel do. They would confine it, or seem to do so, to the compulsion of sales of land susceptible of actual settlement, and assert that the evidence established that not all of the lands, nor indeed the greater part of them, have such susceptibility. But neither the provisos nor the other parts of the granting acts make a distinction between the lands, and we are unable to do so. The language of the grants and of the limitations upon them is general. We can not attach exceptions to it.

The evil of an attempt is manifest. The grants must be taken as they were given. Assent to them was required and made, and we can not import a different measure of the requirement and the assent than the language of the act expresses. It is to be remembered the acts are laws as well as grants and must be given the exactness of laws.

If the provisos were ignorantly adopted, as they are asserted to have been; if the actual conditions were unknown, as is asserted; if but little of the land was arable, most of it covered with timber and valuable only for timber and not fit for the acquisition of homes; if a great deal of it was nothing but wilderness of mountain and rock and forest; if its character was given evidence by the application of the timber and stone act to the reserved lands; if settlers neither crowded before nor crowded after the railroad, nor could do so; if the grants were not as valuable for sale or credit as they were supposed to have been and difficulties beset both uses, and the remedy was obvious.

Granting the obstacles and infirmities, they were but promptings and reasons for an appeal to Congress to relax the law; they were neither cause nor justification for violating it. Besides, we may say that there is controversy about all of the asserted facts and conclusions.

Our conclusions, then, on the contentions of the Government and the railroad company are that the provisos are not conditions subsequent; that they are covenants and enforceable; and we pass to the other contentions of the company.

It is contended (1) that Congress was without lawful authority on April 10, 1869, to annex a new condition, by amendment or otherwise, to the grant made by the act of 1866, as amended by the act of June 25, 1868. (The latter extended the time to complete the first and subsequent sections of the road and the completion of the whole road.) We do not think it is necessary to follow the involutions of the argument by

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which the contention is attempted to be supported. It is asserted that the California & Oregon Railroad Co. filed its assent within one year and completed the first section of 20 miles within two years after the passage of the act of July 25, 1866, and that the Oregon Central Railroad Co. (East Side Co.) was not in default on April 10, 1869. The assertions come very late. Had they been made at that early time questions would have been presented whose solution we need not conjecture. The West Side Co. preceded the East Side Co., and on October 10, 1866, received the designation from the Oregon Legislature as the road entitled to receive the grant of 1866. The East Side Co. started its existence on April 22, 1867, and in 1868 attacked the legality of the incorporation of the other company and procured the revocation of the designation of that company and the designation of itself by the legislature. The controversy for precedence and rights continued. It was carried to Congress, and the act of April 10, 1869, was passed. Subsequently came compromises and the act of May 4, 1870. By the latter act and in acceptance of its grant and provisions the West Side Co. took the west side of the Willamette River. The East Side Co. took the east side of the river and on June 8, 1869, by resolution accepted the provisions of the act of 1866, "and of all acts amendatory thereof, and upon conditions therein specified, and do hereby give our assent and the assent of such company thereto."

It was not then thought, as it is now asserted, that the act of 1869 annexed new and invalid conditions, nor was there such assertion afterwards. The East Side Co. on March 29, 1870, assigned its rights under the act of 1866 and the acts amendatory thereof and supplemental thereto to the present company, the Oregon & California Railroad Co., and then dissolved. The Oregon & California Railroad Co. accepted the transfer and by resolution accepted the act of 1866 and amendments thereto and "all the benefits and emoluments therein and thereof granted, and upon the terms and conditions therein specified," and authorized the assent to be filed in the office of the Secretary of the Interior.

It is too late to declare such formal and repeated action to have been unnecessary. Every advantage was obtained, and while enjoying the benefit of it the obligations of it can not be denied. Had there been an assertion of rights against the act of 1869 and had there been an immediate rejection of its provisions and obligations the questions in the present case would not now be submitted for solution. It is possible to suppose that no patents to lands would have been issued, or at any rate the Government's attention would have been challenged to the assertion of rights which it might have contested from a position of supreme advantage.

(2) It is contended that if sales were made under the limitations of the provisos the breaches were acquiesced in, and for this the action and knowledge of the officers of the Government are adduced—indeed, the knowledge of Congress itself; and reciting what was done under the grants, counsel say: "It is a story of mortgages and sales, executory contracts and conveyances, and a stream of Government patents flowing in between. These things were known of all; they were matters of common knowledge, notoriety, of public record; the railroad knew them; the people knew them; the Government knew them." And cases are cited which, it is contended, establish that such circumstances might work an estoppel even against the Government, which when it appears in court, it is contended, is bound like other suitors, and certainly establish that for more than 40 years in the view of the executive officers the provisos were not conditions subsequent. Granting their strength in that regard, granting they have some strength in every regard, they have not controlling force, considering the provisos as simple covenants. And they can not be asserted as an estoppel. No one was deceived, at least no one should have been deceived; no action was or should have been induced by them that could plead ignorance of the provisions and immunity from the responsibility. The recited conduct had explanation and notice in the opinions of the Department of the Interior. They are entirely consistent with the belief expressed by Mr. Ballinger, then commissioner, afterwards Secretary of the Interior, that their enforcement was a matter for the courts, not for executive or legislative action.

Mr. Ballinger, in a communication to a Member of the House of Representatives, expressed the view that "as soon as the title vested in the company (and it was his view that it had vested by the construction of the railroad), jurisdiction over the lands passed from the executive branch of the Government, and the enforcement of the provision (the sale of lands to actual settlers) rests with the courts, through appropriate action by either the settlers entitled to purchase or by the Government, acting through the Department of Justice." And a doubt was expressed of the power of Congress to compel compliance with the provision. This was the position of the department in 1907. It was not new or sudden. It was the repetition of the declaration of a much earlier time.

In an early day of the grant (1872) a communication was addressed by the then Attorney General to the Commissioner of the Land Office, accompanied by a letter

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from the president of the European & Oregon Land Co. (this company was made a trustee of the lands granted under the acts of 1866 and 1869 to secure a bond issue of the company), in which it was stated that the board of trustees of the company, in accordance with a legal opinion given to it, had ordered that persons who had become actual settlers between July 25, 1866, and April 10, 1869, should have the privilege of purchasing according to the proviso, "but as to all others the company was not legally restricted from selling on liberal terms, for cash or credit, at reasonable rates." A request was made for an approval of the construction, and that the company be authorized "to sell on such terms as may be reasonable and just to all parties without any restrictions." This letter was submitted to the then Secretary of the Interior, Mr. Delano, who replied "that the proviso means just what it says, 'that the lands be sold to actual settlers only'" in the designated quantities and for the designated prices; that the legislative intention was plainly to prevent the lands being held for speculative prices or disposed of to others than actual settlers, and to construe the proviso as requested would, in his "judgment, utterly defeat such intention."

It being objected that the case was not submitted for decision or opinion, the Secretary replied that it was so regarded, and that the opinion could not be formally withdrawn. He, however, expressed his willingness at any time on application to reopen the case and to hear all arguments which the company might desire to present. The opportunity was never taken advantage of, but the company proceeded upon its own construction of the proviso.

These views explain the attitude of the department and give different color and meaning to its action than those assigned to it by the railroad company, and if the company disagreed with or defied the department it can not claim to have been deceived. The views of the department were, no doubt, the views of Congress, and its action and reluctance to prejudge are exhibited in the resolution of April 30, 1908, under which this suit was brought. It refused, as we have seen, to determine preemptorily the rights of the United States or to anticipate judicial action.

We may observe, again, that the acts of Congress are laws as well as grants and have the constancy of laws as well as their command and are operative and obligatory until repealed. This comment applies to and answers all the other contentions of the railroad company based on waiver, acquiescence, and estoppel, and even to the defenses of laches and the statute of limitations. The laws which are urged as giving such defenses and as taking away or modifying the remedies under review have no application. It would extend this opinion too much to enter upon their discussion.

A word of comment may be made upon one of the acts adduced as constituting a waiver of the breaches of the covenants; that is, upon the act passed August 20, 1912 (ch. 311, 37 Stat., 320), it being supplemental to the joint resolution of April 30, 1908, supra. It was passed after this suit was commenced and brought forward with the other acts by an amendment to the answer. Counsel assert of it substantially as alleged in the answer that it "is a recognition of the nonsettlement character of the lands involved, and that such lands, at the time they were sold to the so-called innocent purchasers described in 45 suits brought by the United States against said purchasers and these defendants in this court, are unfit for settlement and were so unfit for settlement and could not be sold to actual settlers at the time they were sold by the company to such purchasers."

We have answered the contention so far as it depends upon the character of the lands. The character of the lands furnished no excuse. It might have justified nonaction, but it did not justify antagonistic action. Moreover, the act, while it authorized compromises with purchasers from the company, explicitly excluded the application of the provision to lands in the present suit and declared that it should create no "rights or privileges whatever in favor of any of the defendants therein," and that nothing in the act should condone any of the breaches of the conditions or provisions of the granting acts nor be a waiver of any cause of action or remedy of the United States on account of any such breach or breaches or of any right or remedy existing in favor of the United States.

With the provisos as conditions subsequent out of the way, the suit remains one to enforce a continuing covenant. It is not a suit to vacate and annul patents.

(3) There is a special contention, giving the pretension of a special brief, that the "sinking-fund act of Congress of May 7, 1878, ratified the transfer of the California & Oregon Railroad and its land in California to the Central Pacific Co. and operated to abrogate the 'settlers' clause' contained in the acts of April 10, 1869, and May 4, 1870." The argument to support the contention is that the Central Pacific Railroad Co. became, with the consent of Congress, the owner of the California & Oregon Railroad (to avoid confusion this company must be kept distinct from the defendant Oregon & California Railroad) in 1870, and that after such transfer and date it became impossible for the latter company to sell the lands for the prescribed price, or for any other price, or to settlers in any quantities, "for the reason that the company

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had parted with its title to the entire grant, and this was recognized, approved, and validated by the United States." The contention seems to be directed more to the settlers' clause viewed as a condition subsequent than to it considered as a covenant.

It is, however, said that the clause "has been entirely abrogated by said legislation and the acts of the Government." We are not impressed by the contention. It seems to be a tardy claim in the case and is the dare of an extreme ingenuity against the admissions and averments of the answers and many assertions which the record contains of ownership of and dominion over the lands by the Oregon & California Co., and of their disposition by it. Indeed, it is opposed to the whole scheme of the suit and the defenses to it and to the stipulation of the parties. It there appears that after the designated date patents were applied for and issued to the Oregon & California Railroad Co., defendant herein, for 323,078.68 acres of land, over 163,000 acres of which were sold by that company to actual settlers. Indeed, all of the activities in the administration of the grants were those of the Oregon & California Railroad. It made contracts and executed deed for particular parcels. It made trust deeds for the whole of them. It went into receivership and emerged from it to resume its activities and made the reports to Congress upon which it bases the acquiescence of the Government in the breaches of the provisos.

It is true that there appears in the stipulation the confusion of a statement that there was an amalgamation and consolidation of the Central Pacific, Western Pacific, and Oregon Central Railroad Cos., into the Central Pacific Co., and that at the time the articles of amalgamation and consolidation were filed (June 23, 1870) the California & Oregon Railroad Co., "was the owner of all unsold lands in California" granted by the act of July 25, 1866; that from the date of filing such articles of amalgamation and consolidation the Central Pacific Railroad Co. remained owner of all of the lands granted by the act of 1866 and two other acts which made grants to the latter company until 1899, when what remained unsold of the lands were granted to the Central Pacific Railway. But it is stipulated that the statements "concerning the ownership and conveyance of the lands granted by said acts of Congress are made subject to the terms and provisions of said acts of Congress, respectively, and all rights of the United States thereunder, the title to said lands not being an issue in the suit at bar." Why these facts were stipulated it is hard to guess, but it is certain they can not be given effect against all other facts stipulated. It will be observed the stipulation is concerned only with the California & Oregon Railroad, not with the defendant, Oregon & California Railroad. The explanation of the Government is, therefore, correct that the Oregon part of the grant was by the grant itself treated as substantially distinct from the California part and that the Oregon part has always been claimed, used, and enjoyed by defendant, the Oregon & California Railroad Co. or its predecessors in title, and never by the Central Pacific.

The provisos of the acts having been thus established as covenants, not conditions subsequent, between the Government and the defendants and their continuing obligation determined, we are brought to the consideration of the rights of the cross complainants and interveners thereunder.

It may be said that in some of the aspects of our discussion there was implication against their contentions, but it also may be said there is implication for them. Undoubtedly the provisos expressed the policy of the settlement of the lands and a sale to settlers, but the cross complainants and interveners assert a right more definite—a trust, indeed, and personal—of compulsory obligation upon the railroad company to be enforced in individual suits.

Snyder and 63 others, alleging themselves to be actual settlers upon specified lands, brought suits nearly a year before the present suit was commenced. They were brought into this suit and are now here as cross complainants. They pray that the grants be declared to be grants in trust and ask for protection "whatever form of decree may be entered." They further ask "that receivers or trustees be appointed, whose duty it shall be to formulate, with the approval of the district court, suitable rules and regulations for the sale of all the lands here involved, in accordance with the acts of Congress making the grants." They deny having anything in common with the interveners and, as we have seen, vigorously attack the claim of the Government for a forfeiture of the grants.

The interveners concur with the cross complainants that the acts created a trust, but assert that they have a broader extent. In other words, and as their counsel express it, the intention of Congress was to create a trust in the granted lands for the benefit of those who might desire to acquire title thereto; that is, not actual settlement was the condition of purchase, but an intention to settle, with the qualification to do so.

Here, then, is a conflict between the asserted beneficiaries of the asserted trust—whether actual settlers, as cross complainants contend, or applicants for settlement,

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as the interveners insist. The distinction would seem to be real and can not be confounded. The word "actual" expresses a settlement completed, not simply contemplated or possible. Upon the express words of the provisos it would seem that interveners' claims to be beneficiaries of the trust, if there is a trust, must be refuted.

The cross complainants present arguments of more difficulty, supported by appealing considerations. "Actual settlers" are the words of the provisos, and we may assume actual settlers were contemplated and sales of the lands were restricted to them; but how were actual settlers to be ascertained, and by whom," and was there a compulsion or option as to sales? There could not be an absolute right to settle or purchase unless there was an absolute compulsion to sell. The acts of Congress omit regulation. Their language is not directive; it is restrictive only. With this exception the grant is unqualified. The lands were granted to aid in the construction of the road and while it is a certain inference that disposition of them was contemplated, necessarily there was conferred a discretion as to time. There was certainly no limitation of it expressed.

The contending considerations we have already stated and their respective weights and decisions must necessarily turn upon a judgment of the purposes of the granting acts and in what manner they were intended to be accomplished, not of the provisos alone. There is plausibility in the argument which represents that if the provisos be held to give to the railroads a discretion of sale, the choice of time and settlers, their requirement is impotent, and instead of securing settlement would prevent it; instead of devoting the lands to development, retain them in monopoly and a kind of mortmain.

We feel the strength of the argument but can not yield to it. There are countervailing ones. We have already indicated that nothing can be deduced from the imperfections of the granting acts. Indeed, the argument of cross complainants, like a great many other contentions in the case, get their plausibility from the abuses of the granting acts, not their uses. We have seen that in the early days of the grants settlements were normally made and the railroad, in the exercise of its discretion, responded to such settlement by sales to settlers.

There was no embarrassment then in the selection of settlers and no question by anybody that there was a discretion of sale on the part of the railroad company. A denial came later and the assertion of a peremptory right against the company of settlement and purchase, both to be acquired by an intrusion upon the company's possession, if it can be said to have had possession. Of course, the delay in the assertion of a right is not conclusive against its existence. There is, however, argument in it, and if it may be said that settlers were not in such numbers and urgency as to bring their rights to attention and assertion, a conjecture may be engendered that some other purpose than the acquisition of homes has led to a denial of rights which no one theretofore had questioned. It is asserted that not a desire of settlement but the rise in the price of lumber has created an eager demand for the lands.

There are, however, further considerations. By the acts of 1866 and 1870 it is provided that upon the survey and location of the roads the Government shall withdraw from sale the granted lands, and the provision would seem to withdraw the lands from the specific operation of the land laws and certainly from a complete analogy to them. The public-land laws had test of the qualification of settlers under them; they had also the machinery of proof and precaution. When the granted lands were withdrawn from those laws and primarily devoted to another purpose they were committed to another power, to be administered for such purpose, and a discretion in the exercise of the power, within the restriction imposed, was necessarily conferred. This purpose we have sufficiently estimated. Nor need we pause to consider the differences between charitable trusts and other trusts, the class, not individual interest, which the former must have, as it is contended, and the certainty in the beneficiaries which the cases have assigned to the latter. And certainly the words "actual settlers" indicate no particular individuals. They describe a class or body of individuals without habitation or name. As Judge Wolverton, in his opinion in the district court (186 Fed. Rep., 861, 910), said: "There could be no actual settler until an actual habitation was established upon some specific parcel of this land. Logically no one is a cestui que trust under the theory until and unless he becomes such a settler. This is a palpable demonstration of the uncertainty as to the beneficiary, for whom, of the vast concourse of humanity, is going to come and claim the right and privilege of settling upon the land?" We can not construe the grants as confined or encumbered by rights so indefinite.

There was a complete and absolute grant to the railroad company with power to sell, limited only as prescribed, and we agree with the Government that the company "might choose the actual settler; might sell for any price not exceeding $2.50 an acre; might sell in quantities of 40, 60, or 100 acres, or any amount not exceeding 160 acres."

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And, we add, it might choose the time for selling or its use of the grants as a means of credit, subject ultimately to the restrictions imposed; and we say "restrictions imposed" to reject the contention of the railroad company that an implication of the power to mortgage the lands carried a right to sell on foreclosure divested of the obligations of the provisos.

To use the grant for credit might become, indeed did become, a necessity. The construction of the road halted for funds. They were raised by trust deeds, as we have seen. The accomplishment of the purpose of the grants determines, we repeat, against the creation of a trust.

In conclusion we can not refrain from repeating that the case in its main principles is not in great compass. It has been given pretention and complexity by the happening of the unforseen, the lapse of time, change of conditions, and the contests of interests. These, however, are but accidents, giving perplexity and prolixity to discussion. Judgment is independent of them. It is determined by the simple words of the acts of Congress, not only regarded as grants but as laws and accepted as both; granting rights but imposing obligations—rights quite definite, obligations as much so, The first had the means of acquisition; the second of performance; and, as we have pointed out, whatever the difficulties of performance, relief could have been applied for and, it might be, have been secured through an appeal to Congress. Certainly evasion of the laws or the defiance of them should not have been resorted to.

Nor can their obligation be magnified by looking backwards, by the results achieved rather than when they were only hoped for, by conditions of which there was not even prophecy.

We have seen that one company failed under the burdens which it assumed. The other company took it up and struggled for years under it and its own burden. It may, indeed, have finally succeeded by a disregard of the provisos. It might, however, have succeeded by a strict observance of them. We are not required to decide between the suppositions. We can only enforce the provisos as written, not relieve from them.

For the same reason we can not at the instance of the Government give a greater sanction to them than Congress intended, nor give to cross-complainants and interveners a right which the granting acts did not confer upon them.

Rejecting then, the contention of the Government and the contentions of the cross-complainants and interveners and regarding the settlers clauses as enforceable covenants what shall be the judgment? A reversal of the decree of the district court, of course, and clearly an injunction against further violations of the covenants. There certainly should be no repetition of them. What they were the record exhibits.

We need not comment on them or point out how opposed they were to the covenants, how antagonistic to the policy and purpose of the Government expressed in the covenants. The contrast of a sale to a single purchaser of 160 acres (the maximum amount) with a sale of 1,000, 2,000, 20,000, and 45,000 acres to a single purchaser needs no emphasis; nor the contrast of a use of the lands to establish homes with their use for immediate or speculative enterprises.

In view of such disregard of the covenants, and gain of illegal emolument, and in view of the Government's interest in the exact observance of them, it might seem that restriction upon the future conduct of the railroad company and its various agencies is imperfect relief; but the Government has not asked for more.

In its bill it has distinguished between the sold and unsold lands and between the respective rights and interest, vested, contingent or expectancy, in them; and while it is asserted that all have become forfeited, only the unsold lands and the rights and interest in them are included in this suit. And the reason is given that the purchasers were many, the names and places of residence of only a few of them were known, and the names of the others could not have been ascertained in time to make them parties to the suit. Besides, that such purchases and interests were made and acquired under greatly varying circumstances and that it would be inequitable to make a few purchasers representatives of all, and to make all parties would postpone and might ultimately defeat the public interests. That, therefore, this suit was brought, it is alleged, to determine the rights and remedies as to the unsold lands and that subsequently other suits will be instituted as to the sold lands, rights, and remedies as to them being in effect reserved.

Therefore, the decree in this suit shall be without prejudice to any other suits, rights, or remedies which the Government may have by law or under the joint resolution of April 30, 1908 (res. 18, 35 Stat., 571), or under the act of Congress passed August 20, 1912 (ch. 311, 37 Stat., 320).

However, an injunction simply against future violations of the covenants, or, to put it another way, simply mandatory of their requirements, will not afford the measure of relief to which the facts of the case entitle the Government.

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The Government alleged in its bill that more than 1,000 persons had made application to purchase from the railroad company in conformity to the covenants. In answering, the defendants averred that such applications were made by persons who desired to obtain title on account of the timber and not otherwise, and for the purpose of speculation only and not in good faith as actual settlers; and it was averred that the lands were chiefly and in most instances solely of value because of the timber thereon and were not fit for actual settlement; and, further, that the lands capable of actual settlement and the establishment of homes thereon at no time "exceeded (approximately) 300,000 acres, consisting of small and widely separated tracts, all of which were sold to actual settlers or persons claiming to be such during construction and prior to completion, respectively, of said railroads, in quantities of 160 acres or less to a single purchaser, at prices not exceeding $2.50 per acre."

A great deal of testimony was introduced, consisting not only of that of witnesses but of maps, photographs, reports, and publications, which tended to establish the asserted character of the lands; and there was evidence in rebuttal. We can not pause to determine the relative probative force of the opposing testimonies. It is, however, clear, even from the Government's summary of the evidence, that lands which may be fit for cultivation have a greater value on account of the timber which is upon them. Besides, for our present purpose, we may accept the assertion of defendants; and we have seen that Congress extended the timber and stone act to the reserved lands, and, by the act of August 20, 1912, supra, it has withdrawn from entry or the initiation of any right whatever under any of the public-land laws of the United States the lands which might revert to the United States by reason of this suit.

This, then being the situation resulting from conditions now existing, incident, it may be, to the prolonged disregard of the covenants by the railroad company, the lands invite now more to speculation than to settlement, and we think, therefore, that the railroad company should not only be enjoined from sales in violation of the covenants but enjoined from any disposition of them whatever or of the timber thereon, and from cutting or authorizing the cutting or removal of any of the timber thereon, until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads.

If Congress does not make such provision, the defendants may apply to the district court within a reasonable time, not less than six months from the entry of the decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands and timber until Congress shall act, and the court in its discretion may modify the decree accordingly.

Decree reversed and cause remanded to the district court for further proceedings in accordance with this opinion.

It will be observed that this decision does not decree a forfeiture, as did the trial court, but clearly holds that Congress has the power to deal with the unsold lands in the manner proposed in this bill. It will also be observed that this decision was rendered on June 21, 1915, but that the decree was not formally entered until December 9, 1915; it will also be observed that the Supreme Court granted a temporary injunction against the sale of this property for a period of six months from the date of the entry of the decree, during which time "Congress shall have a reasonable opportunity to provide by legislation for their (the lands) disposition in accordance with such policy as it may deem fitting under the circumstances and at the same time secure to the defendants all the value the granting acts conferred upon the railroads," further reciting: "If Congress does not make such provision, the defendants may apply to the district court within a reasonable time, not less than six months from the entry of the decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the lands and timber until Congress shall act, and the court in its discretion may modify the decree accordingly."

In order to give a full history of the proposed legislation it will be necessary to say that the original draft of this bill was prepared in

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the Department of Justice with the aid of Senator Chamberlain; that the same was introduced in the Senate by Senator Chamberlain and referred to the Department of Justice for report. The Department of Justice suggested certain amendments to the bill, and your committee, at that time not having the matter properly referred to them or properly initiated other than by the Chamberlain bill, requested the chairman to introduce the so-called Chamberlain bill plus the Department of Justice's suggested amendments, and it became the basis upon which your committee directed its attention. Extended hearings were had upon the bill and prolonged and unusual consideration was given it. Representatives of the Departments of Justice, Agriculture, and Interior sat with the committee more or less in an effort to work out this complicated and extremely important legislation. As a result of all the hearings and as a result of all the conferences had, and as the result of the best efforts of your committee, it finally agreed to, and does, report H. R. 14864.

The bill has been referred to the three departments which had helped us frame it and formulate its every provision and each of them has prepared an extended written report dealing with the several provisions of the bill. These reports fully explain the provisions of the bill in detail, rendering it unnecessary for the committee to make a separate statement concerning them. The three reports are as follows:

REPORT OF THE DEPARTMENT OF JUSTICE.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 22, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have your letter of April 21 requesting a report from me on H. R. 14864, a bill in regard to the Oregon & California Railroad land grant.

In reply permit me to refer you to my report of April 13, on H. R. 13918, a bill dealing with the same subject. In that report I attempted to set forth in some detail the history of the land grant and the litigation growing out of it, and commented upon the purpose and effect of every section of the bill with which this department was primarily concerned. With the exception of certain slight changes made to meet suggestions contained in my report, the bill now submitted differs from H. R. 13918 only in regard to the method of disposing of the lands and timber involved, all of which constitute questions of policy upon which this department has no comment to make, just as it had none to make upon similar provisions of the former bill.

It will thus be seen that what was said in my report of the 13th on H. R. 13918 is equally applicable to this measure.

Permit me to invite your attention to what appears to be a typographical error in line 21 of page 14, where reference is made to the "Oregon-California land-grant fund." This fund is referred to in line 19 on page 12 as the Oregon and California land-grant fund.

Sincerely, yours,

T. W. GREGORY, *Atorney General.*

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 13, 1916.

Hon. SCOTT FERRIS,
Chairman Public Lands Committee,
House of Representatives.

MY DEAR MR. FERRIS: This communication is in reply to your favor of the 29th ultimo in which you requested a detailed report from me concerning H. R. 13918—a bill dealing with the Oregon & California Railroad land grant.

This bill, though differing in important respects, in other features resembles Senate bill No. 30 of this session, concerning which, on January 29, 1916, I wrote in much

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detail to the chairman of the Senate Committee on Public Lands. My letter to him is published in full in the printed report of the hearings before your committee, on pages 17 to 30. While I shall aim to make this letter fairly complete in itself, I hardly see the occasion for reproducing all the details which were set forth in the letter of January 29. In that letter I suggested the necessity or desirability of certain amendments to the Senate bill. These have been, in considerable degree, adopted by your committee in preparing the bill now before me. I endeavored in that letter, and shall endeavor in this, to avoid those matters of policy concerning the disposition of land which fall peculiarly within the province of the Departments of the Interior and Agriculture. My own proper task is limited to assisting you in explaining the condition of affairs out of which the necessity for legislation arose, and advising you of the validity and sufficiency of the bill from the legal standpoint.

By the act of July 25, 1866, as amended by the act of April 10, 1869, and the act of May 4, 1870, about 3,200,000 acres of land, mostly in Oregon (there being a few acres in Washington), were conveyed to certain railroad companies for the purpose of aiding them in the construction of railroads from Portland, Oreg., to the northern boundary of California, and from Portland to Astoria and McMinnville, Oreg. Afterwards the grantees conveyed all their interest in the lands to the Oregon & California Railroad Co.

The granting acts provided that the grantees should sell the lands to actual settlers only at a price not to exceed $2.50 per acre, and in quantities not exceeding 160 acres to any one settler. The companies sold about 800,000 acres, nearly all of which was disposed of in violation of these provisions, and then withdrew the remaining land from market.

Acting in pursuance of a joint resolution of Congress, approved April 30, 1908, the Attorney General brought action against the Oregon & California Railroad Co., the successor of the grantees, as I have said, and certain other parties claiming interests in the lands, for a forfeiture of the unsold lands which amounted to about 2,300,000 acres.

In the lower court the grants were forfeited, and title to the unsold lands revested in the United States. Upon appeal the Supreme Court of the United States, though reversing the lower court, held that the provisions with respect to settlers, price, and quantities were enforceable; that they had been violated; that the violations had run through nearly forty years, and that owing to this prolonged disregard of the law the company should not only be enjoined from sales of the lands in violation of the provisions of the granting acts, "but enjoined from any disposition of them whatever or of the timber thereon, and from cutting or authorizing the cutting or removal of any of the timber thereon until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances, and at the same time secure to the defendants all the value the granting acts conferred upon the railroads." (Oregon & California R. R. Co. *v.* United States, 238 U. S., 438.)

This means that Congress has the unqualified right to dispose of the lands and the timber in any manner it may deem proper, provided it secures to the railroad company all the value the granting acts confer upon it.

The court also decided that:

"If Congress does not make such provision, the defendants may apply to the district court within a reasonable time, not less than six months, from the entry of the decree herein, for a modification of so much of the injunction herein ordered as enjoins any disposition of the land and timber until Congress shall act, and the court in its discretion may modify the decree accordingly." (Id., p. 439.)

If, therefore, Congress does not act in the premises, that part of the judgment of the Supreme Court which forbids the railroad company to make any disposition of the land and timber thereon may be set aside by the lower court upon application of the company. The application will undoubtedly be made in due time unless Congress acts, and in all probability the court would grant it and set aside the injunction to that extent. If it did, the railroad company would be free to sell the rest of the lands in accordance with the provisions of the granting acts, at a price not to exceed $2.50 an acre, etc. If sold at this price, the 2,300,000 acres would bring not to exceed $5,750,000, albeit, according to a stipulation of the parties in the suit just referred to, they are worth upward of thirty millions, and many place their value at fifty millions.

If the lands are sold for $5,750,000, the railroad company will take all the proceeds and the Government will lose at least $25,000,000. It is, therefore, of the first importance that Congress should act, and provide for the disposition of these lands and the timber thereon:

"In accordance with such policy as it may deem fitting under the circumstances, at the same time securing to the defendants all the value that the granting acts conferred upon the railroads." (Oregon & California R. R. Co. *v.* United States, supra.)

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In addition to the 2,300,000 acres just referred to, there are about 45,000 acres which the railroad company agreed to sell by contract in writing, but has not conveyed. The purchase price called for by these contracts has been paid only in part.

From the 800,000 acres sold, as well as from the unsold lands, the railroad company has received, according to its own admissions in the suit aforesaid, about $5,500,000, or some $3,500,000 more than it was entitled to at the rate of $2.50 per acre, the highest price it could exact. This excess is spoken of by the Supreme Court in its opinion as an "illegal emolument" (p. 436).

In my letter of January 29, above referred to, I took the position, which I see no reason whatever for changing, that in any adjustment of the Government to the railroad company these excess and illegal emoluments should be taken into account. They should, in my judgment, be charged against the railroad company in the accounting; that is to say, deducted from the amount of money which would otherwise come to the railroad company on account of the unsold lands. The Government should not pay the railroad company $2.50 an acre for all the unsold lands and allow it to retain the large sum of money which it has unlawfully collected through repeated violations of the granting acts. The legality of this deduction, however, should not be permitted to rest upon my opinion, or the opinion of Congress, but should be left to the courts to determine. This is done through section 7 of the bill, as will be more fully explained.

Generally speaking, the objects of the bill are to carry out and make effective the opinion of the Supreme Court (a) by revesting in the United States the title to the unsold lands, amounting to about 2,300,000 acres, while securing to the railroad company the full value conferred by the granting acts, and (b) by compelling an accounting between the railroad company and the Government by ascertaining, through judicial proceedings, the amount of money properly chargeable against the company.

The bill proposes to raise the money necessary to satisfy the company's just claim through sales of the land and timber. In case sufficient revenue to pay the company in full should not be produced by this method within 10 years, the balance then due is to be discharged by funds from the Treasury. The bill revests title to the unsold lands in the United States as a matter of convenience, if not necessity, in order that title may be conveyed by the Government's patent to those who purchased the lands or timber under its provisions. To facilitate entry and purchase, provision is made for the discharge of taxes which have accrued under the laws of the State and which, if not discharged, would constitute a cloud upon the title granted to a purchaser. The bill also provides ways for the distribution of any moneys arising after full payment of the railroad company.

Having stated the object in a general way, I shall now take up the bill section by section in more detail.

Section 1 purports to revest in the United States title to so much of the land granted as had not been "sold" prior to July 1, 1913. There is a proviso which makes plain that there is no intention to disturb the right of way to the extent of 100 feet on each side of the railroad or any lands in actual use by the company December 9, 1915, for depots, sidetracks, etc.

My first suggestion here is that the word "and" where it is found in the tenth line of page 3 and the second line of page 4, be changed in each case to "or." Aside from the subject matter specified in the proviso, this section evidently intends to operate upon all lands embraced in the grants which have not been "sold," and this without regard to whether they have been actually patented or not. If you do not substitute "or" for "and," as I have suggested, the literal effect of the language employed is to confine the operation to patented lands only, though I am far from saying that, in application, the letter would prevail in the face of the contrary implication to be derived from the act as a whole and its history.

My next suggestion is that if this section be not intended to include as lands not "sold" the lands affected by the executory contracts above mentioned, it might be well to say so in more certain terms. An agreement to sell is not strictly a sale.

Some question was made in the hearing before the committee as to whether Congress would have the power to take back the legal title, as this section proposes. I think the question is disposed of by the Supreme Court's opinion, and I am told that it was quite fully thrashed out in the hearing. Personally I have no doubt of the power or of the propriety of adopting this measure as a convenient preliminary in working out the problem of satisfying the railroad company's claim through a disposition of the lands themselves and at the same time protecting the rights of the United States.

The section operates only on lands not "sold" prior to July 1, 1913. This is the date of the decree of the district court declaring the unsold lands forfeited to the

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United States; it is the evident purpose to disregard any sales attempted subsequently. My information leads me to believe that there were none such, but, if there were clearly they are entitled to no consideration.

In my letter of January 29 to Senator Myers I recommend a provision declaring that lands sold under contract, for which the price had not been paid in full should be deemed unsold lands and the title thereto revested in the United States with a further provision to the effect that any person, or his assignee, who, before the institution of the suits under the joint reslolution of April, 1908, entered into such a contract in good faith and for a consideration adequate at the time might obtain good title by making payment in full to the United States of the unpaid purchase money and interest due on the contract if the amount of land called for was less than 1,000 acres, and by paying to the United States $2.50 per acre in addition to the unpaid contract price if the acreage was more.

I further suggested an express provision which would subrogate the Government to all of the rights of the railroad company, including the right to forfeit for nonpayment of interest in installments, etc., under such contracts. The recommendation was limited to lands not included in the decree of forfeiture of July 1, 1913. The object of these recommendations was twofold:

First, to clear up the whole situation, leaving no part of the subject-matter in the air, so to speak; and secondly, to apply to those persons who in good faith and for adequate consideration bought lands in violation of the terms of the grant before the validity of such transactions came in question, and who had not completed their payments, the same measure of relief as had been accorded under the act of August 20, 1912 (37 Stat., 320), to other persons whose predicament differed from theirs in no other respect than in the circumstances that all their installments of purchase money had been paid. This matter will be found more fully treated in my letter to Senator Myers.

The policy of extending the principle of the act of August 20, 1912, to these other cases is for Congress alone to consider. I feel, however, that I am somewhat concerned in the completeness of the bill since whatever is left undefined by the legislature will constitute so much food for controversy in the courts.

There are, as I have said, some 45,000 acres of land, some of it patented and some unpatented, affected by these executory contracts of sale. Some of the persons who have agreed to purchase are now claiming that the contracts should be carried out, and it is safe to say that all will do so in time.

If the lands affected are treated as unsold lands under this section 1, the title will revest in the United States, if the bill becomes a law. This would deprive the railroad company of its ability to perform the contracts, but would not, in my judgment, invalidate the act since the act, as a whole, secures the railroad company in the satisfaction of its only substantial right under the grants, namely, the right to derive at most $2.50 per acre from the lands granted. But what would be the situation of the other parties to the contract—the purchasers? Many of the contracts are perhaps void because made in violation of the terms of the granting acts, but there may be some which are legal, and in such case the purchaser may have a lawful interest in the lands, yet be subject to great injustice because of his inability to bring any suit against the Government. If, on the other hand, such lands are to be regarded as "sold" lands, failure of the bill to make any provision regarding the title would leave the title in the railroad company. In that event, where the terms of the contract were inconsistent with the terms of the grant, there would be serious question of the power of the company to convey title if the purchaser fulfilled his agreement, and where purchasers fail to live up to their contracts the title, in any case, would remain in or revert to the railroad company.

Again, section 7, as we shall see, directs proceedings to ascertain the total amount of money received by the railroad company from any of the granted lands "whether sold or unsold," to the end that such portion of it as is chargeable against the company may be deducted from its claim against the United States.

The amounts which the railroad company has received under these executory contracts will therefore be included in that inquiry, but it will not be possible while the contracts remain executory, or while any of the land now affected by them remains in the legal ownership of the company, to ascertain precisely how much money should be charged against the company on account of such lands.

For these reasons it seems to me that it would be wise either to adopt the suggestions of my letter of January 29 in this regard, or to provide expressly, in this section 1, that the lands included in all existing executory contracts shall be deemed "unsold" lands, and to add a further provision as follows:

"*Provided further*, That the Attorney General of the United States be, and he is hereby, authorized and directed to commence a suit or suits in the District Court of

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the United States for the district of Oregon as soon as may be after the passage of this act against all persons claiming an interest in any of said lands by virtue of an executory contract or contracts of purchase made with the railroad company for the purpose of having adjudicated the interests, if any, of such persons in said lands, and he is hereby authorized to include all such persons in one suit if he should so elect; and in the event that any person who made such contract or contracts with the railroad company shows to the satisfaction of the court that he has a valid contract or contracts, the person holding such contract or contracts, or his assignee, shall be entitled to receive from the United States a patent for the lands included in such contract or contracts upon paying to the receiver of the land district in which the land is situated, within six months after the decree has become final as to such persons, either on appeal or otherwise, the balance due, if any, with interest upon such contract or contracts according to the terms thereof: *Provided*, That if any person adjudged to have a valid contract or contracts fails to make payment within the time provided herein, all his right under said contract or contracts shall thereupon cease and determine, and the lands embraced in such contract or contracts shall be classified in accordance with the provisions of section 2 of this act, and be disposed of as other lands of the same class."

By adopting such a provision as this, the contract holder would derive no advantage from the act other than the advantage of having his claim adjudicated. He would be required to stand upon his strict legal right. If he could show a valid contract, it would be enforced according to its terms; if he could not, the Government's title to the lands would be relieved from any suspicion.

Sections 2 to 6, inclusive, have to do with the classifications of the lands and subsequent disposal, all of which are matters peculiarly related to the function of the other departments concerned. They infringe no legal principle and appear to afford adequate protection to the interests of the Government. The last proviso of section 5 reserves certain of the lands for a period of two years, to run from the approval of the act. These lands, I understand, constitute watersheds and afford the water supply to certain cities. The period is short, but will give Congress time within which to decide whether to continue the reservation or not.

It was suggested at the hearings that the railroad company may have the right to insist that all of the lands covered by the grants be left subject to private acquisition and settlement. I can not concede this. In the granting acts Congress imposed on the grantees the duty of selling to actual settlers; but this in essence was a restriction inserted not in the interest of the grantees, but to subserve the policy of the Government. The interest of the railroad company to have the lands within reach of its transportation system made productive of traffic by settlement and development is an economical rather than a legal interest. It did not rise to the dignity of a right under the granting acts, and, even if it did, it seems to me that the company by its own conduct has estopped itself from insisting upon it for the destruction of a plan adopted by Congress, upon the fullest consideration, to alleviate conditions which have sprung from the company's own wrongdoing. For nearly 40 years the railroad company has thwarted settlement in violation of law. It would hardly lie in its mouth to complain of any conservation measure which the bill might provide in the public interest, when, as here, full payment of the railroad company's just due within the reasonable period of 10 years is insured by other provisions of the bill.

Before passing to section 7, I may mention that provision of section 5, commencing with line 9, page 8, which gives a preference right of entry under the homestead laws to any person duly qualified who has maintained residence since December 1, 1913, upon the land applied for, improved it, and devoted some portion of it to agriculture, and who shall have maintained his residence to the date of his application. These provisions are limited (lines 20 et seq.) in such ways as appear to guard against pretended settlements made for the purpose of securing valuable timber. It is well that these safeguards are inserted. Your committee, I think, is already fully informed, and no doubt its report to the Congress will make full mention, of the wholesale efforts heretofore made to acquire these enormously valuable timberlands, in 160-acre tracts, at the price of $2.50 per acre.

As explained in my letter of January 29 and in the hearings before your committee, the theory was advanced before the Supreme Court's decision was rendered that by tendering $2.50 per acre to the railroad company, accompanied by evidence of prior settlement, or intention to settle, the company might be compelled under the granting acts to make conveyances in 160-acre parcels. These contentions were absolutely denied by the Supreme Court, which held that no person had a right to settle upon the land or to secure a conveyance against the will of the company, and that no one could acquire any lawful advantage by squatting on the granted premises or by tenders

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of money. Some few persons, I doubt not, were misled and actually made honest settlement, not for the sake of the timber, but for the purpose of residing on the land and cultivating the soil. These should be reasonably protected; the rest, constituting the vast majority, deserve none.

Section 7 authorizes the Attorney General to institute and prosecute proceedings against the Oregon & California Railroad Co. and other necessary parties for the purpose of having determined the amount of money which has been received by the railroad company or its predecessors on account of the land grant and which should be charged against it as a part of the full value secured to the grantees under the granting acts as interpreted by the Supreme Court; and declares that in making this determination the court shall take into consideration, and give due and proper legal effect to, all receipts of money derived from sales of land or timber, forfeited contracts, rent, timber depredations, interest on contracts, or from any other source relating to said lands, and the court is also to take into consideration and determine whether any portion of accumulated taxes, which the bill provides shall be paid by the United States to the respective States and counties in which the land is situated, should have been paid by the railroad company; and if so, the amount thus determined is to be treated as money received by the company.

The importance of this provision is obvious and its purpose plain. The company has received moneys largely in excess of $2.50 per acre for the lands sold. The amount of these moneys, and the portion chargeable against the company in its accounting with the United States, is to be ascertained by due process of law. No deductions are to be attempted without the sanction of the courts. Even the ultimate liability for taxes payable under section 9 is to be determined in this way.

Section 8: By order of the district court of the United States for Oregon the timber on seven sections of the unsold lands was disposed of about a year and a half ago for about $190,000, payable in installments. The money as paid is deposited in a bank to await the final outcome of the suit between the Government and the railroad company. Money arising from condemnation proceedings and other sources has also been deposited upon the same conditions. In all somewhat more than $80,000 is already on deposit, By section 8 the title to this money is transferred to the Government, and of course the railroad company will be given credit for it in the final accounting, so far as it is entitled to any.

Section 9: Since the decree of the lower court against the railroad company the latter has paid no taxes upon the lands, consequently there are about three years accrued taxes claimed by the counties and States of Oregon and Washington. The lands can not be disposed of to advantage by the United States while these taxes remain unsatisfied. Besides, it would be a great hardship on the counties affected not to make provision for their early payment. This section provides for their payment, and the next section (p. 13, lines 10 to 12) requires that the Treasury be reimbursed out of the proceeds of the land and timber as soon as the railroad company's claim has been discharged.

Section 10: This deals with the deposit of the moneys arising from sales of the land and timber; also with the manner of ascertaining the amount due to the railroad company. By taking the total number of acres accruing to the railroad company under the grants and multiplying it by $2.50, the maximum amount allowed by the grants is ascertained. From this is to be deducted whatever the court finds under section 7 has been received already by the railroad company. This is entirely fair, and adequately protects all the rights of the Government while securing to the railroad company, in accordance with the opinion of the Supreme Court, the "full value" to which it is entitled under the granting acts.

In this connection it may be proper to remark that by allowing the railroad company $2.50 an acre, as this section does, the Government is dealing very generously with the railroad company, for many thousands of the acres would not sell for even 50 cents apiece, and for the future the company is not obliged to charge itself with the heavy expenses of protecting and disposing of the estate. To attempt to classify the lands on the basis of their value per acre would be impossible, for many reasons, and therefore the course adopted is the only one open under the circumstances.

After the amount due to the railroad company has been determined, the section provides for its payment to the company and the lien holders as their respective interests may appear. If the railroad company and the lienors can not agree upon the amount due to the latter, it is provided that the dispute shall be settled by resort to a court of competent jurisdiction. This amply protects the Government and preserves to the railroad company and the lienors every right to which they are entitled.

It is also provided in this section that in the event the lands and timber do not, within 10 years, sell for enough to pay to the railroad company the amount coming

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to it, the balance shall be paid out of the Treasury, and while no appropriation is now made therefor, it is required that one shall be made when the proper time arrives. This has the effect of pledging the credit of the United States to the payment of whatever may be legally due to the railroad company on account of its interests in the lands within 10 years from the approval of the act.

I think this is a necessary provision. If no reasonably definite time was fixed for payment to the railroad company for the lands taken, it might be held that the bill was invalid on that account. Ten years is, in my judgment, a reasonable period, and since the railroad company will get its money within that time it will have no just cause for complaint.

In my report on Senate bill No. 30 it was suggested that such a provision might be necessary in order to assure the railroad company that it would receive the full amount to which it was entitled within a reasonable time, but it was stated in that connection that there was no probability that such contingency would ever arise. It must be remembered, however, that that statement was made in regard to the Senate bill, which directed that all the timber on the lands classed as timberlands should be sold as soon as might be for cash, under sealed bids. That provision, I notice, has been materially changed by the present bill, which authorizes the Secretary of the Interior to sell the lands at such times, in such quantities, and under such plan of competitive bidding as, in his judgment, may produce the best results.

The last paragraph of this section deals with the distribution of the balance left after the rights of the railroad company have been satisfied. This presents a question of policy, and hence calls for no opinion from me.

Section 11 authorizes the Secretary of the Interior to perform all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of the act into effect and declares that any person who shall swear falsely in any affidavit or proceeding required under the act or under the regulations to be issued by the Secretary, shall be guilty of perjury and liable to the penalty prescribed therefor.

Section 12 appropriates the sum of $100,000 to enable the Secretary of the Interior to classify the lands. The provisions of these two sections require no comment from this department.

Sincerely, yours,

T. W. GREGORY, *Attorney General.*

REPORT OF THE DEPARTMENT OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, April 26, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands, House of Representatives.

MY DEAR MR. FERRIS: By your inclosure of the 21st instant I am in receipt of House bill 14864, entitled "A bill to alter and amend an act entitled, 'An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, Oregon,' approved July 26, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes," with a request for a report in detail as to the provisions thereof, and such further expression of views as may seem appropriate.

STATEMENT.

By the acts named in the title of this bill a grant of public lands was made to aid in the construction of a railroad from Portland, Oreg., to the northern boundary of California, and from Portland to Astoria, in the same State, now known as the Oregon & California Railroad.

One of the provisions under which this grant was made required that the grantee should sell the land it received "to actual settlers only, in quantities not greater than one-quarter section to one purchaser and at a price not exceeding $2.50 per acre." The failure of the company to observe this provision resulted in the adoption by Congress of a joint resolution, April 30, 1908 (35 Stat., 571), instructing the Attorney General to institute judicial proceedings for the enforcement of all rights and remedies of the United States growing out of said grant, and the failure of the grantee to observe the conditions thereof.

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In accordance with the above direction of Congress suit was brought in the United States District Court for the District of Oregon, asking, among other things, for a forfeiture of the unsold lands remaining under said grant, on the theory that the failure of the company to observe the provisions of the grant was a violation of conditions subsequent, entitling the United States to a decree of forfeiture. The district court took this view of the grant, and a decree of foreiture was entered, but on certification of the case from the Circuit Court of Appeals, the Supreme Court of the United States June 21, 1915 (238 U. S., 393), held that the provisions in question were not conditions subsequent but enforceable covenants, and directed an injunction against any sale or disposition of the lands or the timber thereon "until Congress shall have a reasonable opportunity to provide by legislation for their disposition in accordance with such policy as may be fitting under the circumstances, and at the same time secure to the defendants all the value the granting acts conferred upon the railroad."

The bill that I now have under consideration is intended to accomplish the purpose contemplated by the decision of the United States Supreme Court; that is, to protect fully all interests of the United States, and at the same time secure to the defendants all the value the granting acts conferred upon them.

HISTORY OF PRESENT BILL.

The subject of this proposed legislation first came before me on a request for a report on Senate bill No. 30, entitled the same as that herein, and on February 29, 1916, a report was accordingly submitted, which has already received the consideration of your committee. While engaged upon this report I also had before me Senate joint resolution 21, House joint resolution 58, H. R. 10058, and H. R. 9814, all dealing with the same subject as that embraced in S. No. 30, but inasmuch as I found myself in substantial accord with the general plan of action proposed in the bill last named, I addressed myself, in the report made thereon, to the purpose of rendering its provisions more thoroughly effective to the end intended, although, in doing so, the measures contained in the other bills were not overlooked. I understand that your committee, on considering the proposed legislation on this subject, has pursued substantially the same course, adopting in general outline the measures embodied in S. No. 30, with such modifications as seemed advisable, after considering the several reports from the Attorney General, the Secretary of Agriculture, and myself, and the statements submitted during extended hearings before your committee. The result of this consideration on the part of your committee is understood to be embodied in the bill which I have before me for present report, House bill 14864.

FEDERAL AND STATE INTERESTS.

At this point it is well again to notice, at the expense of repetition, that the special feature in this grant, the provision requiring the granted land to be sold at $2.50 per acre to actual settlers, in limited areas, was evidently incorporated in the grant, to the end that in aiding the construction of the railroad an impetus should also be given to the settlement and development of the country through which the road was to be constructed.

The failure of the company to carry into execution this special provision of the grant was considered inimical to the interest of the settler, the State, and the Nation, debarring one from valuable opportunities for the acquisition of a home, and retarding the development of the other. It was to remedy this evil that Congress directed judicial proceedings, as above noted, but in its decision the Supreme Court said, and doubtless correctly, that "the lands invite now more to speculation than to settlement," and therefore relegated the entire matter to Congress "to provide by legislation for their disposition in accordance with such policy as it may deem fitting under the circumstances, and at the same time secure to the defendants all the value the granting acts conferred upon the railroads."

To secure the best and most advantageous disposition of these lands in their present condition, with due regard to all the various interests affected, is then the purpose of the present bill.

QUESTIONS OF LAW AND POLICY.

In my report of February 29, I called attention to the fact that Senate bill No. 30 had already been made the subject of a report by the Attorney General, wherein the legal propositions involved in the proposed legislation were fully discussed, and for that reason I refrained from the expression of any opinion, upon purely legal features, and confined my report to administrative measures and policies that should be adopted on the resumption of title to the lands.

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Following this line of action I accordingly submitted new sections, 2, 3, 4, and 5, in a substitute draft of Senate bill No. 30.

The bill that I now have before me for report embodies substantially the provisions of the substitute draft thus submitted by me, in so far as it deals with the measures covered by the sections above noted—that is, sections 2, 3, 4, and 5, dealing with the classification and disposition of the lands to which title may be revested under this legislation.

The modifications made by the committee, as appearing in the present bill, of the measures submitted in my former report are not of a radical character, and the present bill therefore meets with my approval. It seems, however, fitting, due to the large interests involved, and the many contentions as to the method that should be pursued in the disposition of these lands, that I should point out in detail my reasons for the approval of this bill, as it is now formulated, and comes before your committee again for final action.

CLASSIFICATION.

Section 2 of this bill provides in detail for a classification, through an examination in the field, by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, of the lands involved. As thus classified, the lands will be divided into three classes: (1) Power-site lands, including only lands chiefly valuable for water-power sites; (2) timbered lands, including lands bearing a growth of timber not less than 300,000 feet, board measure, on each 40-acre subdivision; (3) agricultural lands, including all lands not falling within either of the two other classes.

In the preparation of my report on Senate bill No. 30 I was constrained to recommend a modification of section 2 as it stood in that bill, which, in effect, provided for a legislative classification of the lands without a physical examination thereof. I did not believe then, nor do I now, that the department could, with any degree of safety, so far as protecting the interests of the United States or its citizens is concerned, attempt the disposition of these lands without actual knowledge of their true condition and value, and for that reason I deem an examination in the field absolutely imperative. To illustrate: No successful disposition could be made of the timberlands until the areas that may be subject to sale are defined and the quantity and class of timber thereon ascertained. The Government could not secure the best result from such sale without information as to the quantity and class of timber to be disposed of, for it would have no accurate knowledge as to the adequacy of the prices offered or received. Moreover, home seekers could not, with any degree of assurance, settle on the timbered lands without first procuring a cruise thereof by skilled timber experts to find whether the quantity of timber on the land exceeded the limits fixed for agricultural appropriation, and a compartaively slight error in estimating the timber might lead to a loss of the lands thereafter, perhaps years of toil in preparing it for agricultural uses.

If the question of determining whether any given tract of land is subject to homestead entry is placed upon the settlers and the matter left, as it would be without a classification in the field, for final adjudication by the Land Department, contests would inevitably result, either upon the initiation of the Government or of some person seeking a preference right, ruinous alike to the bona fide settlers, in cases where timber on the land scaled approximately the maximum amount allowed for agricultural appropriation. In the immense body of lands involved in this legislation are found all kinds, classes, and character of public lands peculiar to the field, forest, or mountain; some well suited to the highest purposes of agriculture, others chiefly valuable for their timber, others for the water-power sites, and still others for the mineral contained therein. The highest interests of the people of the State and the general development of the country, as well as the prevention of purely speculative appropriation of these lands, call for a proper disposition thereof in accordance with the character of each class, and to that purpose is this section addressed and, in my estimation, effectively makes provision.

The reservation, under the last proviso, of such rights of way over agricultural lands as the Secretary of the Interior may deem requisite in removing the timber from lands of class 2, will doubtless result in securing much better terms in the sale of timber without imposing any permanent servitude upon the untimbered lands.

Section 3, still dealing with the subject of classification, provides that no action taken in the way of classifying these lands shall operate to exclude any of them from exploration, entry, and disposition under the mineral-land laws, except lands chiefly valuable for power sites. Provision, however, is made that in case mineral entries are made of lands included within class No. 2 the entryman shall not acquire title to the timber thereon, though he may have the right to use so much of the timber as may

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be necessary in the development and operation of his mine until such time as the timber thereon is sold by the United States.

By this section it will be seen that opportunities to pursue mineral research in the region affected by this legislation will be in no manner restricted, while at the same time the actual timber value of the land to the United States will not be seriously affected thereby.

SALE OF TIMBER.

Section 4 of the bill is addressed to the manner in which the Secretary of the Interior shall dispose of the timber on lands of class 2, his authority to that end, in cooperation with the Secretary of Agriculture, or otherwise, being conferred in broad and comprehensive terms to sell the same for cash, or on deferred payments, at such times, and in such quantities, and under such plans of competitive bidding as in his judgment may be calculated to produce the best results.

In providing for the administration of an estate of the immense values represented in this matter, it would be extremely unwise, in my estimation, to incorporate matters of regulation and procedure, all such matters being better left to the determination and control of the administrative officer. My observation leads me to the conclusion that statutory limitations in the form of regulatory measures often serve to defeat the very purposes of legislation, whereas broad, general powers addressed to a specific purpose are more certain to accomplish the intention of the statute.

The provision in this section requiring the timber to be cut and removed within a time fixed by the Secretary of the Interior is certainly a wise precaution. A sale of the timber without a limitation upon the time in which it was to be removed from the land would be, in effect, a sale of the land as well as of the timber, if the purchaser of the timber chose to take full advantage of the situation.

In my report on Senate bill No. 30 I commented at considerable length on the relative advantages to the United States and the State in the sale of the timber for cash or on deferred payments, it being concluded therein that to avoid expensive administrative duties on the part of the one, and enable the other to tax the timber after its sale without any subsequent complications resulting from the unsatisfied claims of the United States, the sale of the timber for cash, followed by a patent to the purchaser, afforded the only remedy, though it was admitted that better prices for the timber would probably be secured on deferred payments.

The scheme now proposed in this bill, by which patents will issue, from time to time, on the payment of the full purchase price of any legal subdivision, and the postponement of the right of the State to tax the timber, until after the issuance of the patent, seems to meet in substantial form the objection that I entertained at that time to the sale of the timber on deferred payments. The measure as now presented therefore meets with my approval.

In this connection I observe, however, in line 23, on page 7, an omission which requires the insertion of the words "for the timber" immediately after the phrase "time to time."

The discretion given to the Secretary by this section to sell, for cash, or on deferred payments, the timber on these lands, at such time and in such quantities as may seem best to him, is deemed by me absolutely essential to an effective discharge of the duty imposed by the bill. To order the immediate sale of such a vast quantity of valuable timber without any consideration as to the demands or needs of the market would, in all probability, not only result in a sacrifice of these particular lands of great value, but would disastrously affect the Government's disposition of matured timber in forest reservations, and very likely result in a demoralization of the lumber market. On the other hand, the requirement made in the proviso "that said timber shall be sold as rapidly as reasonable prices can be secured therefore in a normal market," is in harmony with the general scheme of the proposed legislation, viz, to subject the timber to taxation and the land to settlement as promptly as conditions will warrant. These conditions, however, can not be foreseen with sufficient accuracy to fix them in the shape of hard and fast statutory requirements.

The final clause in this section to the effect that all timber sold under this act shall be subject to the taxing power of the States, after the issuance of patent, apart from the land is, in my opinion, a necessary recognition on the part of the United States that the State is in no manner precluded from the taxation of the timber as a separate estate after its sale and conveyance by the Government, although it may be standing upon the land owned by the United States.

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HOMESTEAD ENTRIES.

Section 5 of the bill deals with the disposition of the nonmineral lands of class 3, under the general provisions of the homestead law. The lands to be opened to entry in accordance with the act of September 30, 1913 (38 Stat., 113), to be paid for at the rate of 50 cents per acre, at the time the original entry is allowed, and $2 per acre when final proof is made, except in entries of "cut-over" land, where such payment is not required. No commutation under this section is permitted. The area cultivated to be such as to satisfy the Secretary of the Interior that the entry is made in good faith and not for speculation.

No special discussion as to these provisions seems to be called for, inasmuch as they are in general harmony with the homestead law as it now stands. The provision with respect to the lands being opened under the act of September 30, 1913, is solely for the purpose of securing "the equal time and opportunity" given to all applicants under that act, while the price fixed for the lands entered is governed by the necessity of reimbursing the company for the lands taken over by the United States. The special significance found in the second proviso, fixing the time when applicants for the preferred right of entry shall present their claims, is found in the fact that it is essential for the orderly disposition of the applications, which may be presented for the lands classified as agricultural, that those entitled to preference right disclose their interest at the time that such applications are being considered. If such lands be disposed of by drawing or other orderly method of procedure, it is necessary that the Land Department be advised of any claim that may be asserted thereto, first, in order to protect the settlers, and, second, to prevent the injury of some other person, who may apply for the land and be otherwise entitled thereto, except for the rights of the preferred settler.

A homestead entry of lands from which a heavy growth of timber has been removed is an undertaking that involves great labor and expense, to properly prepare the land for the profitable production of crops, and the bill very properly recognizes this fact, in providing that no payment for such lands shall be required of the entryman.

The reservation provided for in this section for a period of two years of certain lands designated by descriptions of the public survey, it is understood, is for the purpose of affording protection to the watersheds of certain towns in the vicinity of these lands. The purpose is certainly commendable, and the department can see no objection thereto.

COMMISSIONS PAID ON TIMBER PURCHASE.

Under section 6 of this bill, persons purchasing timber on lands of class 2 are required to pay a commission of one-fifth of 1 per cent of the purchase price paid, to be divided equally between the register and receiver within the maximum compensation allowed them by law. This is the only emolument to be received by these officers in connection with timber sales under the provisions of section 4 of this act. The amount of the commission is regarded as a fairly adequate compensation for the service required, and meets the approval of the department.

ADJUSTMENT OF THE GRANT.

In the decision of the United States Supreme Court as well as in some of the statements submitted to your committee, the amount of land involved in this legislation has been roughly stated as 2,300,000 acres; and it has seemed advisable that the committee should understand with somewhat more detail what the present status of this grant is, so far as disclosed by the records of the General Land Office. To this end I submit the following memorandum:

OREGON & CALIFORNIA GRANT.

	Acres.
Estimated gross acreage under the grant of July 25, 1866, as amended..	3,821,901.80
Under the act of May 4, 1870	397,602.16
Total	4,219,503.96

Of this amount there have been patented under both grants 2,894,295.23 acres, of which 1,891,507.93 acres are primary land and 1,002,105.56 acres are indemnity land and 681.74 acres patented under the act of June 22, 1874.

There remain undisposed of in the General Land Office lists and parts of lists aggregating about 250,000 acres. Of this amount at least one-half will in all probability be rejected and canceled as excepted from the grant for one cause or another.

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The grant of 1870 (west-side grant) is conceded to be practically adjusted, so that the 268,984.30 acres remaining unpatented will never be patented to the company. This would leave an unpatented area of 1,056,224.73 acres chargeable to the grant of 1866, which have not been patented, and which, if found within the primary or indemnity limits of the grant, may be patented to the company. Of the patented area, 2,894,295.23 acres, there have been sold or contracted to be sold by the company, according to the statements of the company's representatives, 819,927.94 acres, leaving 2,074,434.17 acres which have been patented to the company and still remain unsold, besides such portion of the unpatented lands, namely, 1,056,224.73 acres, as may be found upon adjustment of the grant to be in such a condition that it could be patented to the company.

From the view taken in this department, the extent of the acreage involved in this legislation is not material, inasmuch as under the decision of the United States Supreme Court the bill proposes in lieu of a statutory forfeiture to revest title in the United States after making full compensation to the company for the entire value of the unsold portion of its grant. So whatever the acreage may be, the duty imposed upon the General Land Office by section 10 of the proposed bill will be to ascertain the exact acreage to which the company is entitled under the grant, and for such land the company will receive $2.50 per acre.

The language employed in section 1 of the bill, "for which patents have been issued by the United States, or for which the grantee is entitled to receive patents under said grant," is evidently in recognition of this proposition, and will, together with the provisions of section 10, render the duty of the Secretary of the Interior unmistakable in this matter.

The proviso to this section, excluding from the operation of the proposed legislation the railroad right of way, station grounds, etc., requires no argument in its justification.

The grant of a right of way for this road, under the acts of 1866, and 1870, is made in terms distinctly separate and apart from the grant in aid of the construction of the road. The judicial proceedings against the grantee involved only the latter grant, and with the lands included in that grant is this bill alone concerned.

APPROPRIATION FOR CLASSIFICATION.

The appropriation of $100,000 to enable the Secretary of the Interior, in cooperation with the Secretary of Agriculture, or otherwise, to complete the classification of the lands, as provided in section 12 of the bill, adopts the amount named in the substitute draft of Senate bill No. 30, submitted by the department in its report of February 29.

In response, however, to an informal request of your committee, as to the adequacy of the proposed appropriation to secure an effective classification, the Commissioner of the General Land Office, on further consideration of this item, on the 28th ultimo reported as follows:

"It is true that such a classification will enable the office to open to agricultural and mineral entry, the lands falling within these classes, as well as protect the power-site lands from appropriation, but it will not furnish any adequate information as to the actual value of the timber lands, such knowledge as should be secured at the earliest date by the department. If the administration of these lands is to be confided to the Land Department, the sooner a complete inventory of the property is secured by the administrator the better it will be prepared to properly discharge its trust. For that reason, I am of the opinion that the classification should include also an ascertainment of timber values, as well as a separation of the lands into four classes. This may be accomplished for the sum of $125,000 within a period of six months, or within the next working season, if authority therefor is given as early as May 1."

While it is true that the present bill in some degree changes the form of classification that will be required, yet in the main, the work to be performed, in order to secure proper knowledge of timber values, I believe still justifies the figure submitted by the commissioner, and I therefore recommend that the item be increased from $100,000 to $125,000.

These figures are based on a careful working estimate, in which the number of men employed, the special character of the services required of them, the necessary field outfit, together with all transportation for the several parties, is included. If such a classification is authorized, the work will be done by skilled men, fully equipped for all duties that may be incident to the work of classification.

APPLICATIONS FOR THE RIGHT OF PURCHASE FROM THE RAILROAD COMPANY.

The bill very properly makes no provision for granting any privilege or recognition to persons who have made application to purchase these lands from the railroad. In this connection, in reporting on Senate joint resolution 78, Sixty-third Congress, the First Assistant Secretary stated, in part, as follows:

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"The remaining sections of the bill are designed to provide for and authorize the issuance of patents to those persons who have contracted with the Oregon & California Railroad Co. or the Southern Pacific Co. for the purchase of any of the lands involved in the pending suit and who have made payment of a portion of the purchase moneys due under such contract, as well as to those persons who have presented applications to either of said companies for the purchase of any of said lands, such persons being required to pay to the United States a sum equal to $2.50 for each acre of land so purchased or sought to be purchased.

"I am strongly constrained to urge the inadvisability of such legislation at this time. My information is to the effect that the litigation initiated in the United States Circuit Court of Appeals for the District of Oregon has now been transferred by appeal to the United States Circuit Court of Appeals for the Ninth Circuit, and it seems entirely probable that it will end only with a decision by the Supreme Court of the United States. Several years will probably elapse before the final result of this litigation may be known, and in the meantime it may not be safe to assume that the claimed title of the railroad company will be forfeited and annulled. We may be justified in our confidence concerning the strength of the Government's case, but would not be justified in proceeding to dispose or arranging for the disposition of the lands involved in the litigation.

"In order that Congress may not unwittingly give favorable consideration to this resolution, and thus subserve the personal interest of numerous individuals and firms, I deem it proper to call attention to the activities for some time past of certain individuals who have been engaged in an effort to induce settlement upon the lands in question with the assurance that even though no legal rights are acquired thereby, still Congress would be virtually compelled to give such persons some preference right when it came to open the lands to settlement and disposition. These lands include some of the best timber and some of the best mineral lands in the State of Oregon.

"In addition to the efforts to secure people to settle upon these lands, a large number of persons have been engaged in the business of inducing citizens to apply to the railroad company to purchase these lands upon the assurance that such applicants will acquire some interest in the land applied for or other preferential rights, which might be enforced. The parties engaged in this business are charging exorbitant fees for location services and for giving so-called advance information.

"Under certain investigations which are now being conducted jointly by this department, the Department of Justice, and the Post Office Department, it is ascertained that between 14,000 and 15,000 applications to purchase some of these lands have been filed with the railroad company, several hundred of which applications were filed since the act of 1912, supra, in which act Congress expressly declared that none of the lands reverting to the United States by virtue of any right of forfeiture, shall be or become subject to entry under any of the public-land laws of the United States or to the initiation of any right whatever under any of the public-land laws. Of this number all but a comparatively small percentage were secured by so-called locators, who charged a fee ranging from $50 to as high as $250, the average fee being about $100, making a total secured by such locators of over $1,000,000.

"This department is reliably informed that very few, if any, actual settlers are on these lands; that the applications are purely speculative in character, and in a large number of cases the applicants themselves sign a contract to sell the timber on their claims to some timber company as soon as they secure title to the lands. It is represented by these locators that all the applicant has to do is to advance the location fee, or from $50 to $250, and the timber company would advance the purchase price of the land, $400, and pay the applicant so much per thousand feet for the timber.

"In some cases these locators represent that they are authorized by the Government to secure parties to make application for these lands, others that they were employed as agents for the railroad company to sell the lands within this grant. They repeatedly represented that by making applications to purchase first right to the land applied for would be secured; that the land would be secured regardless of the outcome of the suit between the Government and the railroad company, and that the applicants would secure deeds in six months. These locators made gross misrepresentations as to the amount of timber on the claims and took options for the excessive amount of timber as an incentive to the applicant to file.

"To pass this resolution at this time would doubtless encourage the activities of these locators, and Congress would be lending its aid to the consummation of what now appears to be extensive frauds, deserved prosecution for which might thus be checkmated."

Since the above was written 35 indictments have been procured in Oregon and 9 convictions had to date, and in California 18 indictments have been reported, none of which have as yet been tried.

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I am advised that during recent months very extensive operations have been carried on in this country and Canada in the way of procuring people to make applications to the railroad company, with tender of purchase price, for the purchase of these lands, apparently on the theory that Congress may be induced to authorize and compel the railroad company to accept such offers to purchase. A fee or commission is charged for presenting the application, which is usually done under some form of a contract whereby the agent and the applicant are to become jointly interested in the venture. Doubtless numerous applications have been made for the same land, and doubtless all the valuable lands in the grant have been covered by such applications. I understand that a concerted and organized effort is now being made by the promoters of this scheme, largely by means of letters to Members of Congress from the purported beneficiaries, to procure legislation rendering its consummation possible.

That no legislation should be enacted furthering this plan of operation is, I think, manifest. Aside from the fact that many of these applications appear to have been procured by fraud, at the best, it could only result in turning over these valuable lands and timber for $2.50 per acre to speculators who, in turn, would dispose of same to the timber companies, with no resulting benefit to the State or the Nation. The provision in section 5, awarding a limited preference right of entry to a certain defined class of actual bona fide settlers, is the farthest that Congress should go in this direction, for these settlers have no legal standing whatsoever, and the restrictions therein provided, requiring such claimants to show the maintenance of their claims in absolute and continued good faith, are amply justified.

In the submission of this report I have abstained from expressing any views as to the legal propositions and provisions of sections 7, 8, 9, and 10, which, in effect, follow the substitute sections drafted by the Attorney General, and submitted by him with his report of January 29, 1916, on Senate bill No. 30, the department accepting and following the view of the law as expressed therein by the Department of Justice.

The proposed division of the proceeds, arising from the sale of land and timber, treated in section 10 of the bill, offers a field for much discussion and wide disagreement, but with the one now proposed I am not inclined to disagree, especially in view of the 40 per cent of the proceeds assigned thereby to the reclamation fund of the United States.

The legislation herein proposed is, I believe, in accordance with the policy most fitting under the circumstances, and at the same time secures to the grantee all the value conferred by the grant, and I therefore recommend its passage.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

REPORT OF THE DEPARTMENT OF AGRICULTURE.

DEPARTMENT OF AGRICULTURE,
Washington, April 29, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

DEAR MR. FERRIS: I am in receipt of your letter of April 21, transmitting a copy of H. R. 14864, providing for the disposal of unsold lands involved in the Oregon & California Railroad grant, and note your request that this department submit its report at the earliest possible date.

I infer from your letter that your committee desires a brief report which will express the opinion of this department upon the present measure without the delay which a lengthy analysis would necessarily entail. This department appreciates fully the manifold difficulties which your committee has encountered in endeavoring to solve the complex problems presented by the present condition of this grant, as affected by the Supreme Court decree of June 21, 1915. It is appreciated that this legislation attracts the attention of many parties with diverse interests, and that the great value of the property involved naturally adds to the intensity of the situation. Although the bill does not contain all the provisions recommended by the department in its previous report, it is believed that in view of existing conditions it is a fair and satisfactory measure, and is a testimonial to the earnest and serious consideration given it by your committee.

In view of your request for a prompt report, comment on the more obvious sections of the bill will be omitted, and no lengthy explanation or argument in favor of any particular line of action will be made, since that would delay the report and

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involve practically a repetition of what has been said in the previous report to your committee.

Section 2 of the bill follows the suggestion of this department that the classification of the lands should be based upon an examination in the field. The use of the word "agricultural" to designate all lands not classified as power sites or timber lands seems unfortunate, since some of the lands so designated will doubtless be steep, rocky, and otherwise unfitted for agricultural uses. As suggested in the previous report, unscrupulous locators may by reason of such designation take advantage of unsuspecting homeseekers. Moreover, the department can not sanction the use of the word "agricultural" to describe land without regard to its physical fitness for farming purposes. The land which will be so designated will be merely land which is not valuable for power sites and does not have a stand of more than 300,000 feet, board measure, of merchantable timber to the 40-acre tract. Some of it will be chiefly valuable for timber, some chiefly valuable for timber production, some chiefly valuable for grazing, some chiefly valuable for agriculture, and some will be absolutely worthless or waste land. Therefore, so far as land of the third class is concerned, it is not classified according to its physical fitness. It is in effect unclassified land which is known not to include any very valuable timber tracts or water-power sites. It is understood that your committee experienced difficulty in securing a suitable term for such land, and adopted the term "agricultural" for want of a term truly descriptive of the real character of the land.

The authority to reclassify the lands is a wise provision, since it may develop from changing conditions that the original classification is incorrect. Subjecting these lands to all general laws granting rights of way or permits for the use of public lands will enable persons desiring to construct irrigation projects or other improvements necessary to the development of these or adjacent lands to proceed in accordance with the present practice. The provision making all lands disposed of subject to rights of way deemed necessary by the Secretary of the Interior at any time for the removal of the timber from the timberlands will greatly facilitate the disposal of the timber and enable the Government to procure better prices therefor.

Section 4 of the bill provides for the sale of timber from lands of class 2 by a method whereby payment may be made in a reasonable number of installments, with interest on deferred payments at a reasonable rate, and meets, in a reasonable degree, this department's conception of a satisfactory plan for the sale of timber from public lands. This provides desirable flexibility in the matter of terms and conditions and should enable the Department of the Interior to make sales very readily at satisfactory prices.

As previously recommended, this department believes that the 300,000 acres of land lying within the boundaries of existing national forests should be made a part of such forests, in view of the checkerboard arrangement of such lands and the fact that they are manifestly chiefly valuable for timber production. In previous reports this department has called attention to the necessity for providing for regulating the cutting of timber from lands which are of such a character that they will always be chiefly valuable for the production of timber, has referred to the deplorable examples of waste and destruction resulting from the unregulated exploitation of forests, and has urged that the present legislation provide for adequate regulation.

The bill now under consideration not only fails to make such provision for lands outside the national forests, but under its terms unregulated cutting is authorized on the 300,000 acres in the odd sections inside the national forests. Of course it is inconceivable that your committee would contemplate the maintenance of a system which would result in conservative government regulation in cutting timber from its even sections of land and wasteful unregulated exploitation of timber on its adjoining odd sections. It is understood, however, that your committee believes that the dominant consideration at this time is the disposal of the railroad's equity, and that the matter of making these lands part of the national forests should be made the subject of a separate bill.

With this understanding, the department approves the passage of the bill.

Very truly, yours,

D. F. HOUSTON, *Secretary*.

It will be observed that the bill as reported provides for the payment of some accumulated taxes on the grant lands. It will be observed that the Department of Justice makes reference to this in their report and seems to be of the opinion that it is necessary to pay these taxes to the end that the accrued taxes may not be a cloud upon the title and interfere with the disposition of the same. This was thought by your committee to be a necessary provision of the

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bill. It will also be observed, however, that provision is made for reimbursement to the Government out of the proceeds of the sale of this land.

It will be observed that this bill provides for a division of the proceeds of the sale of this land in the following manner: Thirty per cent to the counties in which the land is located, for the construction of roads and bridges; 20 per cent to the State of Oregon at large for school purposes; 40 per cent goes into the reclamation fund for the irrigation of the arid lands of the West, and 10 per cent is retained by the Federal Government to compensate it for the cost of litigation and other expense incident to the recovery and disposition of these lands. Naturally, this was a question that brought about much discussion in the hearings and before your committee. The result above indicated was the best solution of the matter your committee could make, and while this may seem extremely liberal to the State of Oregon, it must be remembered that the lands in question are now and have been subject to State taxation, but with the passage of this bill will be exempt from such taxation until disposed of by the Government.

This bill is so very important, involving many millions of dollars that may be lost to the Government and the State of Oregon through delay, that your committee hopes that its consideration at the earliest moment by the House will be expedited in every way possible.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 624.

TOWN SITE OF PLUMMER, IDAHO.

MAY 2, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SMITH of Idaho, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 14725.]

The Committee on the Public Lands, to whom was referred the bills (H. R. 9524 and H. R. 14725) authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes, having carefully considered the same, recommend the passage of the latter bill, which has been substituted for the former on the recommendation of the Secretary of the Interior.

Both these measures were introduced by Hon. Robert M. McCracken, Representative in Congress from Idaho. The purpose of the proposed legislation is to provide for the disposal of the unplatted portion of the town site of Plummer, Idaho, within the Coeur d'Alene Indian Reservation.

Under the provisions of the act of June 21, 1906, opening the Coeur d'Alene Indian Reservation, there was set aside 640 acres for the town site of Plummer, being sec. 18, T. 46 N., R. 4 W. The town site was platted into lots, with the exception of the southeast quarter, of which 716 have been sold and 490 remain unsold, as there has been no demand for lots for a number of years. It is proposed by the bill to plat the southeast quarter of section 18 into 5-acre tracts, to be offered for sale at cash at not less than the appraised value, reserving for the town of Plummer 5 acres for a reservoir site and 10 acres for park purposes, the proceeds of the sale of the remaining 145 acres to be placed to the credit of the Indians under the general law, excepting 20 per cent which is to be expended under the direction of the Secretary of the Interior for the construction of a schoolhouse and other public buildings or improvements within the town site. This legislation is in line with the general custom of Congress to donate small tracts in Indian town sites for public purposes and to set aside 20 per cent of the proceeds for municipal improvements.

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The letter of the Secretary of the Interior, recommending the proposed legislation, together with the substitute bill suggested, is hereby attached and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 13, 1916.

MY DEAR MR. FERRIS: I have the honor to refer again to your letter of January 22, 1916, inclosing for report a copy of H. R. 9524, authorizing the subdivision of the SE. ¼ of sec. 18, T. 46 N., R. 4 W., a portion of the town site of Plummer, Idaho, into 5-acre tracts and their disposal to the highest bidder for cash.

Under authority of the act of June 21, 1906 (34 Stat. L., 337), all of section 18, same township and range as above, was reserved for the town site of Plummer, and the net proceeds of town-site lots are to be credited to the Indians, as provided by said act of 1906. This town site has been subdivided into lots and blocks with the exception of the southeast quarter of said section 18.

Subsequent to the withdrawal for town-site purposes one G. A. Cooper made application to homestead the southeast quarter of said section 18, and notwithstanding the fact that his homestead application was denied, he has continued to remain on the land, and his improvements, which are said to be worth from $300 to $400, are in conflict, it seems, with a portion of the land to be conveyed by the bill to the town for park purposes. On January 24, 1916, action was instituted by the United States to recover possession of the land illegally occupied by him, and the case is now pending in the United States District Court for the District of Idaho. It is not believed, however, that the claim of Cooper to this land should prevent action at this time on H. R. 9524, especially in view of the fact that he must have been fully aware that the land was not subject to disposition, it having been previously reserved for town-site purposes.

The land to be conveyed to the town for reservoir and park purposes, after it is subdivided, comprises an area of 15 acres, and of the net proceeds derived from the sale of the surplus lands 25 per cent is to be devoted to municipal improvements under direction of the Secretary of the Interior. It has been customary to donate small tracts in Indian town sites for public purposes and also to permit a certain percentage, namely, 20 per cent, of the proceeds of town-site lots to be expended in municipal improvements. In this connection, your attention is respectfully invited to the acts of May 27, 1910 (36 Stat. L., 440), May 30, 1910 (36 Stat. L., 448), and June 1, 1910 (36 Stat. L., 455), relative to town sites in the Pine Ridge, Rosebud, and Fort Berthold Indian Reservations.

Inasmuch as betterments are conducive to increased valuations of town-site lots, the Indians will be benefited by such donations for public purposes as the major part of the proceeds of sale becomes a tribal asset. Since it is usual in similar cases, however, to limit the amount of money to be expended in municipal improvements to 20 per cent of the net proceeds of the sale of lots, such amount, it is believed, should be adhered to in this instance. This will tend to uniformity in legislation, which is always desirable. The bill should be amended in other particulars, and I feel that the situation can be better covered by the drafting of a new bill. This has been done, and such draft of legislation is inclosed which it is recommended be substituted for H. R. 9524 and be enacted into law.

Cordially, yours,

(Signed) FRANKLIN K. LANE,
Secretary.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands, House of Representatives.

A BILL Authorizing the Secretary of the Interior to subdivide a part of the town site of Plummer, Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be subdivided that part of the town site of Plummer, Coeur d'Alene Reservation, Idaho (which town site was created under the act of June twenty-first, nineteen hundred and six; Thirty-fourth Statutes at Large, pages three hundred and twenty-five and three hundred and thirty-seven), described as the southeast quarter of section eighteen, township forty-six north, range four west, into streets or roads and into tracts of not exceeding five acres each; and to cause the tracts to be appraised, except such as are hereinafter reserved for the town of Plummer, and sold at not less than their appraised value.

SEC. 2. That the Secretary of the Interior is also authorized and directed to cause a patent to be issued to the town of Plummer for five acres of land so subdivided for the purpose of a reservoir site for the Plummer waterworks system described as the

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east half of the northeast quarter of the southeast quarter of the southeast quarter of section eighteen, township forty-six north, range four west, as well as ten acres of the land so subdivided for the purpose of a public park described as the northwest quarter of the northwest quarter of the southeast quarter of section eighteen, same township and range as above.

SEC. 3. That the purchase price of the tracts authorized to be sold shall be paid at such times and in such installments and upon such terms as the said Secretary may direct, and he shall cause twenty per centum of the net proceeds arising from said sale to be set apart and expended under his direction in the construction of school-houses or other public buildings or improvements within said town site.

There is also submitted herewith the resolution adopted by the board of trustees of the village of Plummer, urging the enactment of the legislation:

To Hons. William E. Borah and James H. Brady, United States Senators, and Hons. Addison T. Smith and Robert M. McCracken, United States Representatives, Washington, D. C.

We, the undersigned, represent to you that we are the members of the board of trustees of the village of Plummer, Benewah County, Idaho.

That heretofore a request has been made that a bill be introduced by which the SE. ¼ of sec. 18, T. 46 N., R. 4 W., Boise meridian (the same being the unplatted portion of the town site of Plummer, Idaho), be divided into 5-acre tracts; that the Secretary of the Interior be authorized to sell said tracts to the highest bidder, giving to the village of Plummer 25 per cent of the net proceeds for public improvements, and authorizing the Secretary of the Interior to issue patent to the village of Plummer for 5 acres of the above-described subdivision for the purpose of a reservoir site for the waterworks system of said village and for 10 acres of said subdivision to the village of Plummer, Idaho, for the purpose of a public park.

We ask and petition you that such a bill be introduced and passed at the earliest possible time for the following reasons:

(1) The assessed valuation of the village of Plummer is comparatively small and makes the burdens of taxation great upon those who have to pay for public improvement. If said unplatted portion passed into private ownership, it would make the assessed valuation greater and the tax levy less.

(2) By giving 25 per cent of the net proceeds to the village of Plummer for making public improvements the land would sell for enough more that the Indians, who in any event are entitled to the proceeds of such a sale, would not be losers, and the money thus derived by the village could be well used in building streets and making other much-needed public improvements.

(3) Said southeast quarter of section 18 in its present state is not an asset to the village of Plummer. By dividing it into 5-acre tracts many people would be able to secure homes in this way, and thus help the development of this community.

(4) The village of Plummer is entitled to 5 acres as a reservoir site, inasmuch as the reservoir of the waterworks system of this village is located on said land at the present time. Said waterworks system has been put in at an expense of about $20,000.

(5) The village of Plummer is entitled to the 10 acres it asks as a public park, because such a park is needed and would be for the best interest of all the citizens of Plummer, Idaho.

(6) There is a real and urgent demand from the citizens in and about Plummer that this southeast quarter be divided as aforesaid, and said 5-acre tracts would find ready sale at a good price.

(7) The dividing of said southeast quarter in the manner provided for in said bill would work to the advantage of the village of Plummer and to the advantage of a great many people and would injure no one. There was an application made to homestead said southeast quarter, but said application was finally rejected by the Commissioner of the General Land Office on March 11, 1911, and no individual has any right, title, or interest in or to said land, but the same is merely an undivided portion of the town site of Plummer, Idaho.

(8) In addition to these things, we would call the attention of the Senators and Representatives from Idaho to the fact that Plummer is a Government town site; that it is situated in the center of the Cœur d' Alene Reservation and surrounded by homestead country; that in the year 1910 this town site was covered with forest and underbrush; that the people who came here were imbued with the spirit of the pioneer; that the forest and brush has been cleared away, and that Plummer now has two fine school buildings, a waterworks system, an electric-light system,

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over 40 places of business, and many pleasant residences; that this work of development in a raw country has been hard, and Plummer has never yet received one concession from the Federal Government. The citizens here believe their past record to be a creditable one and one that shows that they wish to build and improve a town in a new country that will be a credit to the State of Idaho. We hope, therefore, that this bill, which, if passed, would add to the resources and prosperity of this village, will receive the earnest support of our Idaho Senators and Representatives, and that they make an effort to have it passed at the earliest possible time.

Respectfully submitted.

JAY D. PARKER.
JOHN APPLEGATE.
C. MERRIMAN.
JAMES MCCABE.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 625.

LANDS FOR RESERVOIR AT LEMMON, S. DAK.

MAY 3, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GANDY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 3203.]

The Committe on the Public Lands, to whom was referred the bill (S. 3203) entitled "An act granting to the city of Lemmon certain lands for reservoir purposes," having had the same under consideration, respectfully recommend that it be amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause an appraisement to be made of the land, exclusive of all improvements, embraced in the southeast quarter of the southeast quarter of section ten and the southwest quarter of the northwest quarter of section eleven, in township one hundred and twenty nine north, of range ninety-two west of the fifth principal meridian, in the county of Adams and the State of North Dakota, and in the Dickinson, North Dakota, land district, containing eighty acres; and upon the payment of the appraised price by the city of Lemmon in the State of South Dakota, to convey, by patent, to said city of Lemmon, the said land.

Amend the title by striking out the title of the present bill and inserting in lieu thereof the following: "An act authorizing the Secretary of the Interior to sell certain lands to the city of Lemmon, South Dakota."

And as so amended that the bill be passed.

The city of Lemmon was established about the year 1908, and during the year 1910 the voters of the municipality authorized an issue of $25,000 of waterworks bonds, and said bonds were issued and sold. It was not believed that a sufficient supply of water could be procured on the town site, and arrangements were made with one Bert Barnum, who had a homestead entry on some rough land about 4 miles north of the city, under which the city placed upon said land a large reservoir, costing approximately $20,000. Rights of way

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were procured for a pipe line from the reservoir to the city, but after the dam was completed and before the pipe line was laid a supply of water was found at a depth of 200 feet on the town site. This supply has to date proved sufficient for the needs of the town, but the reservoir is kept and maintained as a permanent supply of water in case it should become necessary to add to the present supply.

After the reservoir had been placed on this land and the money of the city expended, Barnum, the homesteader, offered final proof; but his proof was protested by the field service of the General Land Office, and he later relinquished all right to the land. Two other parties filed applications for the land, but by Executive order, under date of March 30, 1915, the 160 acres involved were withdrawn from the entry until March 5, 1917, in aid of proposed legislation.

The bill as it passed the Senate granted 160 acres of land upon payment of $1.25 per acre purchase price, but contained a revocable clause. The improvements placed on this land by the city of Lemmon are on the south 80 acres of the quarter section involved, and the city really desires to purchase only that 80-acre tract. Hence the amendment eliminating 80 acres from the bill. This land is on the high, semiarid prairie, where land values are low. Exclusive of the improvements thereon, this tract of land would sell for only a few dollars an acre, and inasmuch as the city has expended $20,000 in the construction of the reservoir, it is the opinion of the Committee on the Public Lands that the said city of Lemmon ought to have an opportunity to procure complete title to this 80-acre tract, in order that the reservoir may really be a part of the assets of the city.

The bill, as recommended by the Committee on the Public Lands, provides that the Secretary of the Interior shall cause an appraisement to be made of the land exclusive of the improvements, and that upon the payment of the purchase price the land shall be patented to the city of Lemmon. It is contemplated that the land could and would be appraised by the field service of the General Land Office in practically the same manner that the land embraced in isolated-tract applications is appraised.

Under existing public-land laws isolated tracts or land too rough for cultivation may be sold upon the application of a qualified applicant in tracts not exceeding 160 acres. That law applies to the territory in which this land is located. Attention is directed to the following table, showing township location, serial number, number of acres, the price per acre, and the total purchase price on lands which have been sold under the isolated-tract law within approximately a 6-mile limit from the city of Lemmon:

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	Serial.	Number acres.	Price per acre.	Total purchase price
Township 22 north, 15 east	06140	40	$8.50	$340.00
Do	018442	40	6.50	260.00
Do	026447	40	2.00	80.00
Do	027480	40	3.50	140.00
Do	028042	40	3.50	140.00
Township 22 north, 16 east	014476	40	4.25	170.00
Do	022896	40	12.75	510.00
Do	026058	40	1.25	50.00
Do	026436	80	3.60	288.00
Township 22 north, 17 east	01909	80	5.75	460.00
Do	012530	80	2.15	172.00
Do	012753	80	2.25	180.00
Do	019232	80	8.50	680.00
Township 23 north, 15 east	012733	40	3.25	130.00
Do	013422	112.75	4.25	483.44
Do	018353	80	5.25	420.00
Township 23 north, 16 east	04320	25.86	4.10	106.06
Township 23 north, 17 east	05633	28.91	2.00	57.82
Do	025550	40	3.55	142.00
Township 129 north, 91 west	01202	40	1.50	60.00
Do	022923	40	2.00	80.00
Township 129 north, 93 west	020093	79.68	5.50	438.25
Township 130 north, 92 west	01115	40	1.75	70.00
Do	01173	40	1.45	58.00

The following letter, under date of April 22, 1916, from the mayor of the city of Lemmon, is self-explanatory as to the desires of the municipal corporation:

APRIL 22, 1916.

Hon. HARRY L. GANDY, *Washington, D. C.*

DEAR SIR: Answering your telegram relative to Senator Sterling's bill granting reservoir lands to the city.

Would say that the Senate bill gave us a full quarter of land, described as E. ½ NW. ¼ sec. 10 and W. ½ NW. ¼ sec. 11, T. 129 N., R. 92 W., fifth principal meridian.

We have since elected to take only the south 80 acres of the land above described, the legal description of what we now want being the SE. ¼ NE. ¼ sec. 10 and SW. ¼ NW. ¼ sec. 11, above described.

We would therefore like to have the Senate bill amended so as to grant to us only the 80 acres last above described.

We would like also to have the bill amended so as to strike out the provision as to the land reverting to the Government in case of nonuse and also strike out the provision as to the land being granted for waterworks purposes. Our reason for this is as follows:

We have spent over $20,000 in putting in a dam on this land. The land itself being very rough, is of little value without the dam. In order for us to get the benefit of our investment and complete the original plan which called for constructing a pipe line to Lemmon, which is 4½ miles from the dam, it will be necessary for us to spend $35,000. At the time we bonded our city and built the dam, we were advised by well drillers that no supply of water could be had at Lemmon from wells, as there was no vein of water under the city unless we went to unreasonable depths. Since building the dam, however, we have discovered a vein of good water 200 feet under the city, which may supply our needs. We would like very much to get an unconditional grant of this land, and to accomplish this end the bill should therefore be amended. We hope that such an amendment will not meet with objection.

Yours, very truly,

B. R. WATT, *Mayor.*

The bill was referred to the Department of the Interior, and the Secretary of that department furnished the committee with the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: I am in receipt, for report, of S. 3203, granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes, and, in response thereto, I have the honor to submit the following:

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The land proposed to be granted is the E. ½ of NW. ¼ of sec. 10 and the W. ½ of NW. ¼ of sec. 11, T. 129 N., R. 92 W., fifth principal meridian, in the State of South Dakota. The bill contains no provisions for the payment of any purchase price.

From the record in this case it appears that on June 29, 1908, Bert A. Barnum made homestead entry 015319 for the E. ½ NE. ¼ sec. 10 and W. ½ NW. ¼ sec. 11, in said township and range. The city, having purchased lands adjoining those of Barnum, entered into a contract with him on November 5, 1909, for the purchase of the land embraced in his entry, and then assumed possession thereof and erected thereon a dam and a reservoir for the water supply of said city, costing $20,000, the greater part of the right of way to the city having been secured. August 8, 1910, Barnum made commutation proof, which was rejected for insufficient residence, and he having taken no appeal from said rejection, the case was thereafter closed. December 31, 1914, Barnum filed notice of his intention to make the final five-year proof, which proof was made on February 12, 1915, against which the Field Division of the General Land Office protested. On February 16, 1915, Vernon E. Williams, of Lemmon, filed his application to contest said entry, charging failure of residence, cultivation, improvements, and abandonment, action upon which was suspended because of said Government protest, and the final proof was suspended. On February 19, 1915, Barnum executed a relinquishment of his entry, which, on February 23, following, was filed by John M. Pew, accompanied by his homestead application 022592 for the land relinquished, which was allowed of record on February 24, on which day contestant Williams filed another relinquishment of the Barnum entry, purporting to have been executed on February 20, 1915, together with his homestead application 022595 for the same land, which was rejected for conflict with Pew's entry, from which rejection the applicant appealed.

On February 24, 1915, the city of Lemmon, by its mayor and commissioners, filed application for the withdrawal, under the provisions of the act of June 25, 1910 (36 Stat., 847), of the land described in the Barnum entry, alleging the facts with reference to the contract made with Barnum, his relinquishment, the entry by Pew, and application to contest by Williams, alleging that the latter, a resident of the city, familiar with the intention of the city, knowing of the great expenditures made in perfecting the plan for water supply, and the occupation and possession of the land by the city, had filed his application with the intention of securing its valuable improvements, which improvements were on the land covered by the Barnum entry, and asked that a hearing be had, if necessary, that the application by Williams be rejected and the entry of Pew canceled. By Executive order of March 30, 1915, the east half of the northeast quarter of said section 10, and the west half of the northwest quarter of said section 11, were withdrawn from appropriation until March 5, 1917, in aid of legislation looking to a granting of the land to the city of Lemmon for a water-supply site. September 24, 1915, the General Land Office rendered a decision affirming the action of the register and receiver, rejecting the Williams application, subject to the right of appeal, and further held that—

"If the lands covered by the former relinquished Barnum entry were in the possession of the city of Lemmon, for the purpose as indicated, under its claim of title as aforesaid, they were not subject to appropriation by Pew, upon filing the relinquishment, as aforesaid. (33 L. D., 377.)"

Said decision also directed the local officers that in case the decision became final as to Williams they should notify the city of Lemmon or its attorney that it will be permitted to proceed against the Pew entry, by way of contest upon such charges as the facts may warrant, "when testimony should be submitted showing the extent of the city's possession of the lands covered by the Pew entry," in order that action can be taken looking to the cancellation of the Pew entry, either in whole or in part. November 26, 1915, no appeal having been filed by Williams, the General Land Office closed the case as to him, and directed proceedings in the contest by the city of Lemmon.

I desire to call attention to the fact that the two 80-acre tracts mentioned in the bill are not contiguous, and if it is the intention to embrace in the bill only the land withdrawn by said Executive order, the bill should be amended by striking out of line 9, on page 1, the word "northwest" and inserting in lieu thereof the word "northeast."

If, in the opinion of Congress, upon the facts and circumstances, the bill should be enacted, I recommend that it be amended so as to require the payment by the city of $1.25 per acre as the purchase price for the land, in order that it may be in accordance with legislation heretofore had of a similar character.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 626.

FORT ASSINNIBOINE MILITARY RESERVATION, MONT.

MAY 3, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STOUT, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 3646.]

The Committee on the Public Lands, to which was referred the bill (S. 3646) to amend the act of February 11, 1915 (38 Stat. L., p. 807), providing for the opening of the Fort Assinniboine Military Reservation, having had same under consideration, begs leave to report it back to the House with the following amendment:

Strike out all of section 12, and, as amended, recommends that the bill do pass.

The bill was referred to the Department of the Interior by the Committee on Public Lands of the Senate, and the Secretary of that department furnished the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, March 17, 1916.

MY DEAR SENATOR: I am in receipt, for report, of a copy of S. 3646, a bill to amend the act of February 11, 1915 (38 Stat., 807), providing for the opening of the Fort Assinniboine Military Reservation. The bill proposes to amend the act in question by the addition of three sections thereto, viz., sections 10, 11, and 12. Section 10 proposes to set apart fractional township 28 north, ranges 15 and 16 east, Montana principal meridian, within the boundaries of said reservation, embracing approximately 30,900 acres, as a permanent reservation for Rocky Boy's Band of Chippewas and such other homeless Indians in the State of Montana as the Secretary of the Interior may see fit to locate thereon, and to authorize allotment of lands within such reservation under the general allotment act of February 8, 1887. (24 Stat., 388.)

Section 11 directs the issuance of patent to the city of Havre, Mont., for reservoir purposes of certain described lands comprising two reservoir sites Nos. 1 and 2.

Section 12 authorizes and directs the withdrawal of certain lands as a permanent park or camping ground; the land described lying on both sides of Beaver Creek.

The lands described in section 11 of the bill are located as to Reservoir No. 1 in sections 25, 26, and 36, township 31 north, range 15 east, about 10 miles from the city of Havre. Eighty acres is embraced in said section 36. Said reservoir site comprises 560 acres. Reservoir site No. 2 is located at least 17 miles from the city of Havre. It comprises 440 acres in sections 28 and 33, township 30 north, range 16 east. It has been the practice in legislation heretofore enacted for reservoir or water-supply

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sites in behalf of cities or towns to require payment for the lands at the Government price, and I think that the city of Havre should be required to pay for these reservoir lands the purchase price provided for in section 4 of the act to which this bill is amendatory.

Section 12 proposes to reserve for camping grounds and park purposes certain lands comprising 920 acres in township 31 north, range 15 east; 680 acres in township 31 north, range 16 east; 3,640 acres in township 30 north, range 16 east; and 4,000 acres in township 29 north, range 16 east, a total of 9,240 acres. With the lands described in said reservoir sites, it contains in all 10,240 acres in a compact body and embraces the lands on both sides of Beaver Creek for a distance of 20 to 25 miles. The nearest point of said camping ground from the city of Havre is about 10 miles in a straight line. The city of Havre is understood to have a population of about 5,000.

I understand that the lands authorized to be withdrawn as a permanent park or camping ground are intended for use as a park by the city of Havre. This proposed park lies along Beaver Creek, and the land has been used for years by people from many miles around. The protection of the water supply for municipal purposes is, of course, of great importance to the city of Havre. The purpose of this provision as to the reservoir sites and the protection of the water supply of the city of Havre is commendable, and I recommend the enactment of the bill into law, with the amendment hereafter proposed.

It is provided in section 7 of the act of which this bill is amendatory:

"That sections sixteen and thirty-six of the land in each township within said abandoned Fort Assinniboine Military Reservation, except those portions thereof classified as coal or mineral lands, shall be reserved for the use of the common schools of the State of Montana, and are hereby granted to the State of Montana: *Provided*, That the State may, if it so elects, within one year from the date of the passage of this act, accept, subject to the reservation in the United States of the coal deposits therein, the portions of said sections sixteen and thirty-six, classified as coal lands, in full satisfaction of the grant herein made for common schools: *Provided*, That for all lands lost to the State because classified as coal or mineral indemnity may be taken as provided for in sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes."

It is further provided in said act by section 2:

"That before said lands are opened to entry the Secretary of the Interior shall have said lands classified by an inspector or special agent of the Department of the Interior into four classes—first, agricultural lands; second, timberlands; third, coal lands; and fourth, mineral lands."

The land embraced in said military reservation has been surveyed in the field, but report has not yet been received by the General Land Office of such survey. The returns, however, are expected every day by the General Land Office, and immediate action is intended to be taken as soon as received. A telegram has just been received by the General Land Office from a special agent stating that sections 16 and 36 in said military reservation are not mineral in character. If, therefore, the lands in said sections 16 and 36 should not be classified as coal and the plats of said survey should be approved, title to the lands in said section should then pass to the State if no other disposition had then been made thereof.

These recommendations are made on the basis that no title has yet been secured by the State to the lands in said sections 16 and 36.

With regard to section 10 of the proposed bill, I do not think it would be possible for these Indians to support themselves on the two townships included in the Senate bill. An experienced field official of the Indian Service made an exhaustive investigation of this matter several months ago, which shows that 500 Indians should be provided for in the proposed reservation, and that, in the cold climate and high altitude of northern Montana 40 acres of agricultural land are necessary for the proper support of each individual. However, according to the official survey there are only two sections (1,280 acres) of agricultural lands in the two southern townships, or but 2½ acres for each Indian. As a result of this investigation, and at my request, on December 17, 1915, a bill was introduced in the House of Representatives (H. R. 6416, 64th Cong., 1st sess.) setting aside the six fractional southern townships in the abandoned Fort Assinniboine Military Reservation as a permanent reservation for these Indians, this comprising all of the land within the reservation south of the township line between townships 29 and 30 north, ranges 14, 15, and 16 east. A copy of this bill is inclosed for your information. However, as it is now desired to withdraw for the city park part of the lands in township 29 north, range 16 east, which said H. R. 6416 proposed to set aside for these Indians, I suggest that in the interest of the city this township 29 north, range 16 east, be eliminated from the lands which we have endeavored to procure for the Indians, but that section 10 of S. 3646 be amended so as

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to set aside for the Indians all of the lands within the abandoned Fort Assinniboine Military Reservation lying south of the township line between townships 29 and 30 north, ranges 14, 15, and 16 east, except township 29 north, range 16 east. Said section 10 would then read:

"SEC. 10. That fractional townships twenty-nine north, ranges fourteen and fifteen east, and fractional townships twenty-eight north, ranges fourteen, fifteen, and sixteen east, Montana principal meridian, within the boundaries of said reservation, embracing a total area of approximately 86¾ square miles, are hereby set apart as a permanent reservation for Rocky Boy's band of Chippewas and such other homeless Indians in the State of Montana as the Secretary of the Interior may see fit to locate thereon, and the said Secretary is authorized, in his discretion, to allot the lands within the reservation hereby created under the provisions of the general allotment act of February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page three hundred and eighty-eight), as amended."

As showing the necessity for the reservation of lands for this band of Indians, I attach copy of my letter of December 16, 1915, together with copies of the superintendent's report, and of letters from Rocky Boy and Little Bear, the Indian chiefs, from which it will be noted that the Indians are considerably alarmed over the rumor that they are to be given only the two southern townships within the Fort Assinniboine Reservation. Your particular attention is invited to the following extracts from these letters:

From Rocky Boy:

"I want to tell you that we looked at these two townships last spring, and there is no place on these two townships where we could make a field or even a good-sized garden. They grow good grass for our horses and have some trees for wood and many trees good enough to build us cabins, but there is no farm land on these two townships. We would like to have two more townships just north of these two. * * * I wish to ask you to try to get Congress to give us these four townships, and if they will do this we will go on the land and make houses and begin to raise as good crops as we can."

From Little Bear:

"I want to tell you that we hunted all over these two townships for a place last spring to plow and plant the seed you sent us, but we could not find a smooth place big enough to plow. * * * I am scared when I hear that the white people aim to give us only those two rough townships. We can not farm there."

As shown by the inclosed letters from Rocky Boy and Little Bear, these Indians are willing to work if given an opportunity, but there is not sufficient demand for their services by the whites in that locality to support them, particularly during the winter, although they can easily become entirely self-supporting in a few years if given sufficient agricultural land. These Indians worked faithfully on their gardens or small farms the past season and produced a considerable quantity of vegetables at their present location in township 29 north, range 15 east, as shown on the attached map. However, this entire township has been omitted from the Senate bill, and the amendment which I am suggesting of section 10 is to include it in the lands to be set aside for the Indians. These vegetables contributed materially to their support during the past year, justifying a substantial decrease in the authorized ration allowance. They were so proud of their accomplishments in this respect that they voluntarily forwarded a few samples of the vegetables which they had grown to the State Fair at Helena last fall as a part of the Indian exhibit there.

I am convinced that the proposed reservation herein recommended for this band of Indians is absolutely essential if the vexing problem of what to do with these Indians is to be permanently settled in the near future by placing them on the road to self-support and at the same time relieving the Government and the citizens of that vicinity of the burden which has been their portion for many years. If the reservation is limited to the two southern townships as proposed in the Senate bill, it is my candid opinion that one of two things will happen, viz, (1) the Government must indefinitely continue issuing full rations to these Indians at a cost of approximately $10,000 per annum or (2) they will resume their former nomadic habits as "wanderers upon the face of the earth," thus again becoming a burdensome nuisance to the citizens of that section of the State, with which phase of their history you are perfectly familiar.

May I venture to suggest that it was evidently the intention of Congress in appropriating $30,000 for the purchase of suitable tracts of land, water and water rights, live stock, and implements for these Indians, by the act of April 30, 1908 (35 Stat., 834), to provide sufficient agricultural land with adequate water facilities to support them when properly developed. Repeated efforts have resulted in failure to find

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such land elsewhere, but it can be acquired without the necessity of purchase by setting aside the proposed reservation.

For the reasons set forth above it is suggested that the bill be amended as herein recommended.

I also inclose copy of a letter, dated February 3, 1916, written to the Commissioner of Indian Affairs on this subject by Mr. William M. Bole, editor of the Great Falls Tribune.

Cordially, yours,

ANDRIEUS A. JONES, *Acting Secretary.*

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

The necessity for prompt action upon the above bill is set forth in a further letter received from the Secretary of the Interior under date of April 4, 1916, which is herewith made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, April 4, 1916.

MY DEAR SENATOR: On March 17, 1916, we sent you report on Senate bill 3646, relating to the Fort Assiniboine Military Reserve in Montana, section 10 of which sets aside a permanent reservation for the Rocky Boy Indians.

May I venture to suggest the advisability and importance of prompt action with respect to the reservation for these Indians, so that the matter may be settled in ample time for them to take full advantage of the present crop season. If they do not get the reservation so as to raise crops this year, practically an entire year will be lost, as it would then be necessary to wait until next season, which I should regret very much. I will therefore greatly appreciate anything which you can consistently do to expedite action on this bill.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 627.

PATENTS TO HOMESTEADS ON CEDED PORTION OF WIND RIVER RESERVATION IN WYOMING.

MAY 3, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 733.]

The Committee on the Public Lands, to which was referred the bill (S. 733), a bill providing for patents to homesteads on the ceded portion of the Wind River Reservation in Wyoming, reports the same back with the following recommendation:

Strike out all after the enacting clause and insert the following:

That any person, who, prior to the passage of this act, made homestead entry on the ceded portion of Wind River Reservation in Wyoming, who has not abandoned the same, whose entry is still existent and of record, and who has been unable to secure water for the irrigation of the land covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months, and upon payment of all sums remaining due on said land, as provided for by the act of March third, nineteen hundred and five.

The homestead entries in question are on the ceded portion of the Shoshone or Wind River Reservation in Wyoming. These lands were first opened to entry in 1906 under the act of March 3, 1905 (33 Stat., 1016), and the proclamation of June 2, 1906 (34 Stat., 3208). The lands in question are arid in character and at the time the reservation was opened to entry and the lands were first entered, the entrymen expected to secure water from the irrigation project proposed by the Wyoming Central Irrigation Co., but they failed to do so and owing to the very arid nature of the lands it was impossible for the settlers to raise anything upon them before obtaining water.

In this condition of affairs the act of April 27, 1912, was passed, the effect of which was to give those homesteaders who had made entry prior to December 16, 1911, an opportunity to secure patent to their lands on proof of actual bona fide residence for a period of

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not less than eight months, and the payment of all sums due the Indians for their lands.

When the present Senate bill was introduced, the Secretary of the Interior reported on the same, suggesting legislation along the lines of the former legislation, simply bringing the provisions down to date. The Senate committee did not, however, see their way clear to adopt these provisions and passed the bill in the form in which it was introduced. The proposed amendment in the form of a substitute is in the form proposed by the Secretary of the Interior in his letter to the chairman of the Public Lands Committee, under date of February 29, 1916, which is appended hereto and made a part of this report. There is also attached hereto and made a part of this report copy of letter of March 23, 1916, from the Assistant Secretary of the Interior to the chairman of the Committee on the Public Lands, from which it appears that there are now pending about 92 homestead entries to which this bill may apply, about 65 of which were made after December 16, 1911, when the former bill ceased to apply. As the probability is that a considerable number of settlers will not be able to comply with the provisions of this bill, the number of entries affected by it will probably be considerably less than the number suggested.

DEPARTMENT OF THE INTERIOR,
Washington, February 29, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have the honor to acknowledge receipt of your request for a report on Senate bill 733, providing for the issuance of patents on homestead entires on the ceded portion of the Wind River Reservation in Wyoming.

The lands embraced in many of the entries for said lands are arid or semiarid in character and doubtless the entrymen expected to secure water for irrigation purposes from an irrigation project, proposed by the Wyoming Central Irrigation Co., but failed to do so. By the act of April 27, 1912 (37 Stat., 91), relief was granted those persons who had made entries prior to December 16, 1911.

The present bill is similar in form to S. 61, Sixty-third Congress, on which we submitted a report to the Committee on Public Lands of the Senate August 1, 1913. I entertain the same opinion as was then expressed, namely, that the provisions of the bill are too liberal and that conditions should be imposed on the homesteaders substantially like those contained in the act of April 27, 1912, above mentioned; it should be made to appear in each case that there has been a real effort to fulfill the requirements of law.

I, therefore, recommend that, before the passage of the present measure by the House, it be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That any person who, prior to the passage of this act, made homestead entry on the ceded portion of Wind River Reservation, in Wyoming, who has not abandoned the same, whose entry is still existent and of record, and who has been unable to secure water for the irrigation of the land covered by his entry, may secure title to the same upon the submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than eight months, and upon payment of all sums remaining due on said land, as provided for by the act of March third, nineteen hundred and five."

Very truly, yours,

FRANKLIN K. LANE, *Secretary.*

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DEPARTMENT OF THE INTERIOR,
Washington, March 23, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your favor of the 11th instant, inclosing a letter addressed to you by Hon. F. W. Mondell. and asking that there be furnished your committee, as requested by him, a supplemental report on Senate act 733, showing the number of subsisting homestead entries on the ceded portion of the Wind River Reservation in Wyoming which would be affected by the proposed legislation.

In Secretary Lane's report to the Committee on Public Lands of the Senate on S. 733, he recommended its amendment so as to require of the homesteaders in question a showing of eight months' residence, the provisions being thus conformed to those of the act of April 27, 1912 (37 Stat., 91), for the relief of persons whose entries for these lands were made prior to December 16, 1911. However, the committee not having adopted that suggestion and the bill having passed the Senate in its original form, thus granting earlier entrymen easier terms than were accorded by the act mentioned, there must be considered the entries made before the date mentioned as well as those made thereafter.

You are therefore advised that, according to the records of the General Land Office, there are now pending 92 of these entries, of which about 65 were made after December 16, 1911.

Very respectfully,

ANDRIEUS A. JONES, *Acting Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 628.

ADDITION OF CERTAIN LANDS TO THE TETON NATIONAL FOREST, WYO.

MAY 3, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MCCLINTIC, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 12208.]

The Committee on the Public Lands, to which was referred the bill (H. R. 12208) adding certain lands to the Teton National Forest, Wyo., having had the same under consideration, begs leave to report the same back to the House with the recommendation that it do pass.

There is attached to and made a part of this report a letter from the Secretary of Agriculture to the chairman of the Committee on the Public Lands, setting forth the reasons for the addition of the lands described in the bill, 13,642 acres in all, to the Teton Forest Reserve. From that letter it seems that the bill is needed—

to protect the elk drifting from the Yellowstone National Park to their winter range within and adjacent to the Teton National Forest and to provide feeding grounds for them. The present boundary of the forest is located in a way which makes it necessary for the elk to pass outside of the forest in their movement between summer and winter range. Without control of the additional lands used by the elk (i. e., the lands referred to in the bill) it is very difficult for the Government to carry out plans for taking care of the herd which should be permanently maintained. During the summer months the elk are generally within the Yellowstone National Park and in the Wyoming State game preserve.

The addition of the lands in question to the forest reserve will round out the reserve boundary and preserve for the elk these foothill lands which are now a part of their range when they come into the Jacksons Hole country in the winter.

There is attached hereto and made a part of this report a copy of a letter from the Secretary of the Interior to Hon. F. W. Mondell, giving the area and status of the lands in question and explaining the importance of speedy action on the bill because of the fact that the Interior Department does not feel justified in withdrawing the lands from entry pending congressional action.

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APRIL 12, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands, House of Representatives.

DEAR MR. FERRIS: I wish to acknowledge receipt of a copy of the bill (H. R. 12208) adding certain lands to the Teton National Forest, Wyo. As the result of a recent study of the elk within and adjacent to the Yellowstone National Park, made jointly by representatives of the Biological Survey and of the Forest Service, it has been found that the areas described in the bill and recommended for addition to the Teton National Forest are needed to protect the elk drifting from the Yellowstone National Park to their winter range within and adjacent to the Teton National Forest and to provide feeding grounds for them. The present boundary of the forest is located in a way which makes it necessary for the elk to pass outside of the forest in their movement between summer and winter range. Without control of the additional lands used by the elk, it is very difficult for the Government to carry out plans for taking care of the herd, which should be permanently maintained. During the summer months the elk are generally within the Yellowstone National Park and in the State game preserve. Their winter range is in and adjacent to the national forest. Hunting is not allowed upon either the national forest or the State game preserve in the Teton National Forest adjoining it. The Forest Service is, therefore, charged to a large extent with not only providing winter range for the elk, but also with cooperating with the State officials in the enforcement of the State game laws during the hunting season. These lands, if made a part of the forest, will provide an increased area of winter range and will materially assist in giving protection to the elk at present in that region.

This department is keenly interested in the preservation of this herd. The addition of these lands to the Teton National Forest will not add appreciably to the expense of administering the present national forest area. For this reason this department would approve the passage of the bill.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, April 15, 1916.

Hon. F. W. MONDELL,
House of Representatives.

MY DEAR MR. MONDELL: I am in receipt of your letter of March 25, 1916, inclosing copy of H. R. 12208, proposing to add certain lands to the Teton National Forest, Wyo., and suggesting withdrawal of such lands until the bill has been considered by Congress.

The act of March 4, 1907 (34 Stat., 1271), prohibited the creation of a forest reserve or the enlargement of one theretofore established in Wyoming and certain other States except by act of Congress, and the act of June 25, 1910 (36 Stat., 847), which authorizes the President to make withdrawals for public purposes, and that of August 24, 1912 (37 Stat., 497), amendatory thereof, each contain a similar provision. In view of such prohibition it is believed that withdrawals of lands in such States under the act of June 25, 1910, for forestry purposes or in aid of pending legislation to reserve lands therefor are not authorized.

The noncontiguous tracts described in the bill have an aggregate area of approximately 13,642 acres, chiefly surveyed, and 8,803 acres thereof are now withdrawn under the said act of June 25, 1910, 7,563 acres in phosphate reserves and 1,240 acres in connection with the selection of lands by the Secretary of Agriculture as an elk refuge. The act of July 17, 1914 (38 Stat., 509), permits agricultural entries of lands in phosphate reservations under certain conditions; 1,460 acres of the unwithdrawn area are not now subject to entry, 1,340 acres being in surveyed school sections; 600 acres thereof have, however, been offered as base for pending indemnity selections, and 120 acres are embraced in an unperfected homestead entry. Section 13 of township 42 north, range 115 west, has been designated for entry under the enlarged homestead act. The areas described in the bill adjoin the national forest on the west and a portion of the land in township 41 north, range 116 west also adjoins the elk refuge established by Executive order of April 21, 1915, under the provisions of the act of March 4, 1913 (37 Stat., 847).

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 629.

PATENT TO CERTAIN LAND OF CHIPPEWA INDIANS IN MINNESOTA TO VILLAGE OF WHITE EARTH.

MAY 3, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 14533.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 14533) authorizing the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States, in trust for the Chippewa Indians of Minnesota, having carefully considered the same, reports the bill back without amendment and recommends that the bill do pass.

The purpose of the bill is to grant title in fee to 20 acres of land, now held in trust by the Government for the benefit of the Chippewa Indians in Minnesota, to the school board of the village of White Earth, Minn., located on the Indian reservation, for the purpose of acquiring a site for the erection of adequate school quarters by the school district for the education of Indian and other children residents of that village. The bill provides that the appraised value of the land shall be paid by the school board, and that the funds so derived shall be held in trust by the Government for the benefit of the tribe. It is estimated that the land is worth $40 per acre.

The legislation has the approval of the Bureau of Indian Affairs, as evidenced by the attached letter of the Assistant Commissioner of Indian Affairs, as follows:

MARCH 27, 1916.

MY DEAR MR. STEENERSON: Referring to your letter of February 3, 1916, and our reply of March 10, 1916, concerning the acquisition of title by the district school board at White Earth village of land needed as site for a new school building, the White Earth superintendent advises that block 17 in the town site, which was set apart for school purposes under the provisions of the act of March 1, 1907 (34 Stat. L., 1015–1032), is not suitable either in location or character for the present purpose; that

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the E. ½ of the SE. ¼ of the SE. ¼ of sec. 22, T. 142 N., R. 41 E., fifth principal meridian, which is a part of the Government day school tract, is the land selected by the district board; and that the Government building is not situated on these 20 acres.

The Indians in this district are citizens and taxpayers. Their rights in this land are no greater than are the rights of other White Earth Indians who do not live within the district and who gain no benefit by the establishment of the school. For these reasons it is believed that the district board should pay the appraised value of the land which they wish to acquire. The superintendent's estimate of its value is $40 per acre.

Under these circumstances, the office would be favorable to action by Congress which would authorize the sale at the appraised value of the land, and issuance of a patent in fee to the district school board for the east half of the southeast quarter of said section, or such part thereof as the board might select.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Hon. HALVOR STEENERSON,
House of Representatives.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 630.

RURAL CREDITS.

MAY 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PEHLAN, from the Committee on Banking and Currency, submitted the following

REPORT.

[To accompany H. R. 15004.]

The Committee on Banking and Currency, to which was referred the bill (H. R. 15004) "To provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create financial agents for the United States, and for other purposes," generally referred to as the rural-credit bill, having considered the same, report it back favorably and recommend that the bill do pass.

RURAL CREDITS.

Although until a comparatively recent period the subject of rural credits has received but little attention in the United States, there has been aroused during the past few years in this country intense interest in the subject, and there has been developed widespread discussion of the problem presented.

Valuable contributions in the discussion have been made by special students of the subject, by economic writers, by editors of various publications, particularly those devoted to farming and agriculture, by farmers, by representatives of farm organizations, and by men in public life.

The United States Department of Agriculture has given special attention to the subject and has furnished much important information.

A United States commission, consisting of delegates from the United States appointed by President Wilson, and an American commission, consisting of delegates from various individual States and from Canada, visited foreign countries, made a complete examination of the rural-credit systems of the countries visited, and submitted exhaustive reports upon those systems.

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A Rural Credit Subcommittee of the Banking and Currency Committee of the Senate and House of the Sixty-third Congress held extensive hearings, and testimony of witnesses assembled from various parts of the country has been embodied in published reports. A Joint Committee on Rural Credits, appointed by action of the Sixty-third Congress, made a report embodying a draft of a proposed bill to this Congress in January of the current year. Fortunately, therefore, there has been available for the use of your committee in dealing with the legislative problem of rural credits an abundance of valuable material.

DISTINCTIVELY AMERICAN RURAL-CREDITS SYSTEM.

Your committee has made a careful study of this material. As the discussion has progressed the opinion seems to have developed, and your committee is in agreement with such opinion, that the rural-credits system of no one foreign country is entirely suitable or adaptable to the United States where basic conditions are so radically different. Out of all the varying opinions and conflicting ideas upon rural-credits legislation, moreover, there could be discerned certain substantial features upon which there was a more or less definite agreement.

The bill reported, therefore, whatever its obligations to successful foreign systems, provides for a distinctively American system of rural credits and endeavors to embody, and it is confidently believed does embody, the best thought which the thorough discussion of the past years has developed with reference to rural-credits legislation.

IMMEDIATE PURPOSE OF BILL.

The immediate purpose of this bill is to afford those who are engaged in farming or who desire to engage in that occupation a vastly greater volume of land credit on more favorable terms and at materially lower and more nearly uniform interest rates than at present available.

MEANS WHEREBY THE PURPOSE IS ACCOMPLISHED.

The means whereby this purpose is to be accomplished is provided through the establishment of national-chartered and Government-supervised organizations to grant long-time, amortizable loans at low interest rates upon farm-mortgage security; to assemble in each organization individual farm mortgages into one collective security; and to issue upon this collective security credit instruments to be known as farm-loan bonds of such safety and soundness as to command the investment funds of the country in abundance.

BENEFICIAL RESULTS TO FOLLOW.

The results to be confidently anticipated from the successful operation of the proposed rural-credits system embrace not only the more profitable operation of the farms by their owners but a liberal opportunity for the acquisition and ownership of farms to those now shut out from possibility of such proprietorship through the

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prevailing high price of farm land and paucity of land-credit accommodation; the fostering and development of the cooperative spirit among farmers; the stimulation to the whole agricultural industry resulting from increased credits accommodation, from profitable cooperation, from the incentive to intensive agriculture which ownership gives in the cultivation of the soil; and the widespread benefit sure to follow increased production and the general growth and development of agriculture.

AGRICULTURE IS A BUSINESS AND REQUIRES CAPITAL.

In stating that the immediate purpose of the bill is to secure greater credit accommodation for the farmer the committee has had in mind the capital requirements of the farmer. Although the fact has been until recently almost entirely ignored, it is true that agriculture is a business as much as manufacturing or commerce is a business. With the rapid increase in population and the accompanying rapid rise in land values it has become more and more necessary that successful farming shall be conducted as a business. Modern agriculture needs and demands capital in constantly increasing volume.

The farm owner is in constant need of capital for the improvement of his farm, for the erection of buildings, for the purchase of stock and fertilizer, for the purchase of machinery, and for other apparatus, and for all those other things which enable him to increase his production and to render his business profitable and his condition prosperous. The capable tenant needs capital to purchase a farm that he may enjoy the full fruits of his labor. So, too, the wage earner or teacher or professional man who would take up farming requires capital to become a farm owner.

CAPITAL NECESSARY IN CREDIT FORM.

In agriculture, as in business and commerce, a considerable portion of capital must be applied in the form of credit. Credit is at the foundation of our whole industrial and commercial structure. Withdraw it and the whole structure collapses. The business of farming can not develop and flourish without adequate credit.

PRESENT AGENCIES UNABLE TO FURNISH ADEQUATE CREDIT.

That proper credit facilities are denied the farmer under present conditions is too apparent to need demonstration. Under present conditions the farmer often finds it difficult to obtain land-mortgage loans; such loans, when granted, carry a high rate of interest, in some sections a uniformly burdensome rate and in many instances an extortionate interest rate. Universally only short-time mortgages are available.

That unreasonable rates and terms are imposed or oppression and extortion practiced it is needless to consider here. The potent fact is that the farmer, except in the few more fortunate sections, has not the service nor the accommodation in mortgage credit to which his security entitles him, and, furthermore, under existing conditions he can not get it.

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The present agencies are totally inadequate to supply his needs. Indeed, the present agencies have not been created with the purpose of serving the farmers' needs.

Up to the time the Federal reserve act was enacted our whole banking and credit system was established without reference to the special need of the farmer. The Federal reserve act for the first time in our banking legislation gave consideration to the peculiar needs of the farmer. This act not only made liberal provision for the personal credit of those engaged in agriculture (for, indeed, it granted every accommodation possible in a system not strictly limited to agricultural banking), but it also afforded an opportunity for short-time farm mortgage credit through the power granted to national banks to negotiate farm mortgages to the limit of five years' duration.

In spite, however, of the beneficial provisions of the Federal reserve act, your committee recognizes that the farmers' need for credit is essentially different from the need of those engaged in other occupations.

NEW TYPE OF CREDIT ORGANIZATION NECESSARY.

It has become manifest that a new form of credit organization must be established which shall be specially and peculiarly adapted to the farmers' requirements. It must be designed to give a service that commercial banks, savings banks, insurance companies, individuals, and other existing agencies can not give at the present time. For example, it must be enabled and prepared to grant long-time amortizable loans upon farm-land mortgages at low interest rates; it must be enabled to secure ample funds for the use of the farmer from the investing public. Under such a system the farmer borrower will not be compelled to assume a high interest rate mortgage obligation due within a comparatively short period of time under which he is subjected to frequent renewals with the incidental trouble, expense, and danger of foreclosure and will not be dependent upon credit obtained under the most exacting and burdensome conditions.

Your committee has endeavored to draft a bill which when enacted into law shall provide an American system dedicated to the peculiar needs of the American farmer and so organized as to give service as efficiently as any system of rural credits in any other country in the world.

ESSENTIAL FEATURES OF BILL.

The essential features of the proposed act, to which particular attention is directed, are as follows: The land banks provided for in the bill after an official appraisal loan money on farm land on long-time first mortgages. The loans are nonrecallable on the part of the banks, but permit the payment of the principal in whole or in part by the farmer borrower after five years have elapsed. The mortgage loans are required to be amortizable, i. e., a fixed annual or semiannual installment pays interest and other charges and gradually reduces the principal until the debt is fully extinguished at the end of the mortgage period. Mandatory provisions prohibit excessive interest charges—indeed, limit interest rates so that they must be reasonably low. A new form of credit instrument is cre-

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ated—the farm-loan bond. This bond is issued upon the capital of the land bank and the collective security of first mortgages. Every precaution has been taken to make it an absolutely safe form of investment. These bonds are sold to investors and the funds obtained are loaned to the farmer borrowers.

It will be noted that the farmer is afforded long-time credit; that so long as he meets the moderate requirements of his contract the mortgage can not be foreclosed nor can renewal or other extra charges be made; that he has the option of reducing by small payments or otherwise and of paying off his debt before its maturity; that a moderate annual or semiannual installment not only meets all interest and other charges but totally extinguishes his debt; and that through his farm-loan bond he is brought into almost direct contact with investors in all parts of the country.

An analysis of the bill in detail will explain more fully the salient and essential features.

TITLE.

The bill when enacted will be known as the Federal farm-loan act. Its administration will be under the direction of the Federal farm-loan board. (Sec. 1.)

GOVERNMENT CONTROL.

The creation of this board assures to the Government the general supervision and control of the entire system. The board is independent and nonpartisan, and consists of three members appointed by the President, by and with the advice of the Senate, for terms of nine years each, whose salaries are paid out of the Public Treasury.

TWELVE FEDERAL LAND BANKS.

This farm loan board is to divide the continental United States into 12 land-bank districts, in each of which is to be established a Federal land bank with a minimum capital of $750,000. In case the whole or any part of the amount required is not otherwise subscribed for, the Government makes subscription for the required amount. Provision is made for the return to the original subscribers, Government or otherwise, of the amounts subscribed after the land banks are firmly established. The management of each bank is intrusted to a board of nine directors, three of whom are selected by the Federal Farm Loan Board and six of whom are elected by the national farm loan associations. (Secs. 5 and 6.)

LOCAL ASSOCIATIONS.

In order to secure intimate touch with the borrowers it is provided that the land bank shall make loans to farmers through local associations of borrowers, to be known as national farm loan associations. Ten or more persons desiring loans on farm land may join to form these associations. These associations do not conduct a banking business. Their operations are very simple. They admit members who desire to borrow; their directors and loan committees pass upon the value of the security and the character of the borrower. Every borrower takes stock in the farm loan association

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to the amount of 5 per cent of his loan. This amount is subscribed by the association to the stock of the land bank. These associations indorse all mortgages secured by them for the land banks and are liable to the land bank on their indorsements. (Secs. 8 and 11.)

Membership in these associations is confined to borrowers on farm-land mortgages. (Sec. 9.)

APPRAISAL.

Whenever a farmer desires to borrow, he enters into membership and makes an application for a loan to some local association. Every such application must be passed upon by the loan committee of the local association, who shall make a detailed written report, signed by all three members, giving the appraisal of the land as determined by them. The directors and the loan committee must approve the loan before it is recommended to the land bank. The application and the report of the loan committee go to the land bank.

The land bank must refer the application and the report of the loan committee to one or more of the land-bank appraisers for the district. These appraisers are public officials appointed by the Federal Farm Loan Board. (Sec. 3.) They have no inducement to make an excessive appraisal. It is their duty to make a careful and impartial written report, and no loan may be made unless their report is favorable. The directors of the land bank must then decide whether or not to make the loan.

Every application thus runs the gauntlet of the local loan committee, the local board of directors, the land-bank appraisers, and the land-bank directors. (Sec. 10.)

Before any bonds can be issued, moreover, the Federal Farm Loan Board must pass upon the security offered. (Sec. 17.)

RESTRICTIONS ON MORTGAGES.

The mortgages which are taken by the Federal land banks are carefully restricted.

Loans shall be secured by first mortgage on farm land.

No bank may loan on land outside its district.

Every mortgage deposited as security is on the amortization plan, so that part of the principal is paid up at least annually.

The money must be borrowed for productive purposes, to liquidate existing indebtedness, or to acquire ownership of farm lands.

No loan shall exceed 60 per cent of the appraised value of the mortgaged land and 20 per cent of the appraised value of permanent insured improvements.

The borrower must engage in the cultivation of the farm mortgaged.

The minimum loan to one borrower is $100.

The maximum of loans to one borrower is limited to $10,000.

The purpose for which the loan is obtained must be stated.

The loan becomes due and payable upon breach of any condition of the mortgage. (Sec. 12.)

AGENTS OF FEDERAL LAND BANKS.

In such localities as are not adequately served by associations the Federal farm loan board may in its discretion authorize Federal land banks to make loans through approved agents—banks, trust

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companies, mortgage companies, or savings banks chartered by any State. Such agents indorse mortgages and assume the consequent liabilities. No agents may become liable on indorsements to an amount greater than ten times its capital and surplus. Borrowers through agents must make a 5 per cent subscription to the stock of the Federal land bank.

The purpose of this section is to enable farmers living where there is no local association organized to make use of existing agencies to obtain loans from the Federal land bank. (Sec. 15.)

FARM-LOAN BONDS.

It is from the sale of farm-loan bonds that the land banks will be enabled to secure the funds to loan to the farmer. Accordingly, land banks are granted the privilege, subject to the approval of the farm loan board, of selling farm-loan bonds—in the case of a Federal land bank, to an amount equal to twenty times its capital (sec. 14); in the case of a joint-stock land bank, to an amount equal to fifteen times its capital and surplus (sec. 16).

The bonds may be issued in series of not less than $50,000 each. (Sec. 19.)

Your committee, recognizing that the success of the rural credit system depends upon the marketability of its bonds, has taken every precaution to make the security behind farm-loan banks absolutely safe and adequate in order that they may command a wide market at a low rate of interest.

SECURITY OF FARM-LOAN BONDS.

Every Federal farm-loan bond is secured as follows:

(1) By the capital, reserves, and earnings of the land bank which issues it.

(2) By the capital, reserves, and earnings of the 11 other Federal land banks, since each Federal land bank guarantees the payment of every bond and coupon issued by every other Federal land bank. (Sec. 20.)

(3) By the collective securtiy of all the mortgages pledged and segregated in the custody of the farm loan registrar, a Government official (sec. 3), which must at least equal in amount the outstanding bonds unless replaced by United States bonds or cash (sec. 18).

Every mortgage pledged as collateral is secured as follows:

(1) By the personal undertaking of the borrower.

(2) By the security of the mortgaged land.

(3) By the capital, reserves, and earnings of the local association indorsing the loan.

(4) By the individual liability of the members of the indorsing association.

Every joint-stock loan bond is secured as follows:

(1) By the capital, reserves, and earnings of the land bank which issues it.

(2) By the double liability of stockholders.

(3) By the collective security of all the mortgages pledged and segregated in the custody of the farm loan registrar, a Government

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official (sec. 8), which must at least equal in amount the outstanding bonds unless replaced by United States bonds or cash (sec. 18).

FARM-LOAN BONDS SHOULD FIND A READY MARKET.

Funds in ample volume should be secured from the sale of farm-loan bonds, for this bond should find a ready market. They are peculiarly attractive as investments.

The security can be hardly equaled.

The bonds will generally run for long periods, obviating the necessity for constant reinvestment.

The investor may purchase them without trouble or expense.

There will always be a broad market in which to sell, as European experience has demonstrated.

The bonds ought to be stable in price once the system is well established.

They are exempted from national, State, and local taxation. (Sec. 23.)

The interest rate though not high should be ample.

FARM-LOAN BONDS LAWFUL INVESTMENT FOR FIDUCIARIES.

Your committee has felt so confident of the safety and soundness of farm-loan bonds that it has made provision whereby these bonds shall be lawful investment for all fiduciary and trust funds and may be accepted as security for all public deposits. They may, furthermore, be purchased by banks of the Federal Reserve System. (Sec. 24.)

COOPERATIVE ORGANIZATION.

It will be observed that the national farm-loan associations and the Federal farm-land banks constitute a system of rural credit essentially cooperative. Every borrower through a farm-loan association must be a stockholder in that association to the extent of 5 per cent of his loan. Incidentally it may be mentioned that his stock subscription need not be paid in cash but may be included as a part of his loan.

Except for the stock held by borrowers through agents, the entire stock of the land banks will ultimately be held by the various national farm-loan associations.

The management and administration of the associations is entirely in the hands of the borrowers.

Six of the nine Federal land-bank directors are elected by the associations.

All dividends from the earnings of the system are paid to the borrowers themselves as stockholders.

Opportunity therefore is afforded the farmers of the country to organize a cooperative system whereby an abundant volume of credit is available through the sale of farm-loan bonds. The attractiveness of these bonds should assure their sale at a low interest rate. This low interest rate plus the necessary moderate charges for expense of administration and reserves represent exactly the rate at which the farmer can borrow through this cooperative system.

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There is every assurance that the farmers will avail themselves of the opportunity to build up this great cooperative system. The possibilities of cooperation among farmers in the United States can be estimated from what has been already accomplished. One reference will suffice.

Mr. Charles E. Barrett, of the Office of Markets and Rural Organizations, Department of Agriculture, in speaking of cooperation among farmers in the buying of supplies and in marketing of products, states that there are now over 11,000 farm organizations attempting to do this character of work and that, during the year 1914, these organizations did a business of approximately $1,400,000,000.

The greatest difficulty in the establishment of a rural-credit system, based upon the cooperative principle, is met in connection with the inauguration of the system. Ample capital is absolutely necessary at the start and whatever sums the first borrowers might be able to contribute would in no wise suffice to get the system into successful operation. The system must be endowed, temporarily at least, with capital from sources other than the subscriptions to capital stock among the borrowers. Accordingly, at the beginning outside capital may be invested in the stock of the Federal land banks. The minimum initial capital for each Federal land bank is fixed at $750,000; and to insure the prompt and successful inauguration of the system provision is made whereby the United States Government is obligated to apply $750,000 to the purchase of the stock in each one of the 12 Federal land banks, or a maximum of $9,000,000 for the entire system, if such sums are not otherwise subscribed. No charge is made by the Government nor any dividend paid to the Government for the use of any public moneys paid into the system as capital.

While it is true that this generous subscription of $9,000,000 far exceeds any initial contribution by any other nation in connection with the organization of a similar rural-credit system, yet it may be pointed out that this contribution is in the nature of an advance which is subsequently restored to the Treasury of the United States and that the amount involved is of no great significance when consideration is given to the benefits which will result from the operation of a successful rural-credit system not alone to the farmer but to the people of the entire country. The great stimulus to the growth of agriculture to be confidently expected from the operation of the proposed system makes its establishment national in its scope.

JOINT-STOCK BANKS.

The universal experience of foreign countries has demonstrated that profit-seeking organizations engaged in farm-mortgage business have firmly established themselves even where cooperative associations are strongest and most prosperous. These companies have developed and prospered side by side and in competition with the cooperative societies. It is manifest, therefore, that they render useful service to agriculture in those countries. As authorized in this bill, their capital is derived wholly from private subscription. They must begin business with a minimum paid-up capital of $250,000. Their operations are confined to the territory of a single State. They can

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not engage in any other business than that of making farm-mortgage loans and issuing bonds. They can not issue bonds at a rate higher than 5 per cent nor make a mortgage interest rate in excess of 1 per cent above the bond rate. They are not limited as to the purposes for which the money loaned may be used.

In practically every other particular they are subjected to the same restrictions and conditions as Federal farm-land banks and are subject to the strictest Government supervision.

INTEREST RATES, EXPENSES, AND PROFITS.

In no case can a higher interest rate than 6 per cent be charged the borrower upon a mortgage loan. (Secs. 12 and 19.) The charge for administration and profits by the land bank can not in any case exceed 1 per cent on the unpaid principal. It is anticipated that this charge will be gradually reduced as the banks become well established.

In the case of the joint-stock banks this charge marks the limit afforded for expenses, losses, and profits, which latter sum will go to the stockholders.

In the case of the Federal land banks the profits earned by the banks after expenses and charges have been deducted go to the associations in the form of dividends, and subsequently are paid to the borrowers themselves as stockholders in the associations.

LONG-TERM MORTGAGES.

The need of the farmer for long-term mortgage credit has already been sufficiently discussed. The bill makes provision for mortgages with maturities extending from 5 to 36 years.

GOVERNMENT AGENCIES.

Federal land banks and joint-stock land banks are authorized to act as financial agents of the Government. They thus become instrumentalities of the Federal Government. (Sec. 7.)

RESERVE AND DIVIDENDS.

Every land bank is required to carry semiannually to reserve account 25 per cent of its net earnings until said reserve account shall show a balance equal to 20 per cent of the outstanding capital of said bank and to maintain the reserves at 20 per cent. After the reserves equal the required percentage of the capital stock, 5 per cent of the net earnings must be carried to reserve annually. After these reserve requirements have been met, the balance of the net earnings is available for dividends.

A special reserve is, moreover, maintained through the application of a portion of the capital payments from associations until a special reserve fund of $150,000 has been established. The purpose of this special fund is to make advances to associations to enable them to meet interest and other payments in temporary default among their members.

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STATE LEGISLATION.

It is well understood that the laws in the several States vary as to land titles, registry, exemption, homestead rights, foreclosure, and equities of redemption. It is therefore made the duty of the farm loan commissioner to investigate these questions in each State, and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, the said Federal Farm Land Board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question.

Should mortgages from any State be declared ineligible under this provision it is confidently believed that such modifications in the laws of such State would be made as would result in securing for their citizens the advantages of this act. (Sec. 31.)

OTHER PROVISIONS OF THE BILL.

No special comment is necessary upon any other sections of the bill. It may be well, however, to make a brief additional reference to amortization payments.

AMORTIZATION PAYMENTS.

Reference has already been made to the amortization plan of payments provided for in the bill. Under this plan a definite installment is paid regularly by the borrower, semiannually or annually, as the case may be. This installment includes the interest charge, the expense charge, and also an additional payment on principal larger or smaller in accordance with the length of the period for which the mortgage runs. The installment does not vary in amount, but remains equal during the term of the mortgage. As the principal is reduced by the application of the amortizement to the reduction of principal, a constantly greater portion of the installment is applied to the extinguishment of principal.

Some conception of what may be accomplished through a low-interest rate, secured from the operation of the rural-credit system, in combination with the amortization principle, may be obtained from a consideration of the following calculation:

The general average farm-mortgage interest rate has been conservatively estimated at 7.5 per cent. It has furthermore been estimated that the total farm-mortgage indebtedness of the Nation approximates $4,000,000,000. Accepting these estimates, the annual interest charge will equal $300,000,000 annually, with no reduction of principal.

If this indebtedness could be refunded under the provisions of this bill at a rate of 5 per cent per annum, and the farmers would engage to pay annually $300,000,000—the same sum as is now being paid for interest alone—the entire debt, principal and interest, would be paid in 22 years and 6 months. This would mean a net saving of more than $175,000,000 per annum. It would mean the extinguishment of the entire existing farm-mortgage debt by the operation of the system provided for in the bill in 22 years and 6 months, without

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increasing the annual payment over that now made to meet interest charges alone.

Incidentally, it might be observed that the possible appropriation of $9,000,000 by the Government to the purchase of stock in the Federal land banks appears of trifling significance in comparison with the stupendous saving.

CONCLUSION.

In reporting favorably H. R. 15004, your committee is confident that the passage of this bill and its enactment into law will result in the establishment in this country of a sound, practical, and beneficial rural credit system.

Under the operation of this system, specially designed to meet his needs, the farmer will receive ample mortgage-credit accommodation on the most favorable terms, and the tenant or other purchaser of land for agricultural use will find greater opportunity to become a farm owner. Furthermore, the spirit of cooperation will be nurtured and developed and will undoubtedly extend into other fields with all its beneficent effects, agriculture will receive an impetus and a stimulus which must result in increased production, and in a greater measure of prosperity not alone to those engaged in agriculture but to the people of the whole Nation.

A copy of the proposed bill follows:

[H. R. 15004, Sixty-fourth Congress, first session.]

A BILL To provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create financial agents for the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this act shall be "The Federal farm loan act." Its administration shall be under the direction and control of the Federal farm loan board hereinafter created.

DEFINITIONS.

SEC. 2. That wherever the term "first mortgage" is used in this act it shall be held to include such classes of first liens on farm lands as shall be approved by the Federal Farm Loan Board and the credit instruments secured thereby. The term "farm-loan bonds" shall be held to include all bonds secured by collateral deposited with a farm loan registrar under the terms of this act; and such bonds shall be distinguished by the addition of the words "Federal" or "joint stock," as the case may be.

FEDERAL FARM LOAN BOARD.

SEC. 3. That there shall be established at the seat of government a Federal Farm Loan Board, which shall be charged with the execution of this act and of all acts amendatory thereof.

The Federal Farm Loan Board shall consist of three members, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate. Not more than two of said members shall be appointed from one political party. They shall be citizens of the United States and shall devote their entire time to the business of the Federal Farm Loan Board and shall each receive an annual salary of $10,000, payable monthly, together with actual necessary traveling expenses.

One member of said board shall be designated by the President to serve for three years, one for six years, and one for nine years, and thereafter each member so appointed shall serve for a term of nine years, unless sooner removed for

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cause by the President. One of the members shall be designated by the President as the farm-loan commissioner, who shall be the chairman and the active executive officer of said board. Each member of the Federal Farm Loan Board shall within fifteen days after notice of his appointment take and subscribe to the oath of office.

The first meeting of the Federal farm-loan board shall be held in Washington as soon as may be after the passage of this act, at a date and place to be fixed by the chairman of said board.

No member of the Federal Farm Loan Board shall, during his continuance in office, be an officer or director of any other institution, association, or partnership engaged in banking, or in the business of making land-mortgage loans or selling land mortgages. Before entering upon his duties as a member of the Federal Farm Loan Board, each member shall certify under oath to the President that he is eligible under this section.

The President shall have the power, by and with the advice and consent of the Senate, to fill any vacancy occurring in the membership of the Federal Farm Loan Board; if such vacancy shall be filled during the recess of the Senate a commission shall be granted which shall expire thirty days after the Senate convenes.

The Federal Farm Loan Board shall appoint a farm-loan registrar in each land-bank district to receive applications for issues of farm-loan bonds and to perform such other services as are prescribed by this act. It shall also appoint one or more appraisers for each land-bank district and as many examiners as it shall deem necessary. Farm-loans registrars, appraisers, and examiners appoined under this section shall be public officials and shall, during their continuance in office, have no connection with or interest in any other institution, association, or partnership engaged in banking or in the business of making land-mortgage loans or selling land mortgages: *Provided*, That this limitation shall not apply to persons employed by the board temporarily to do special work.

The salaries and expenses of the Federal Farm Loan Board, and of farm-loan registrars and examiners authorized under this section, shall be paid out of any moneys in the Treasury of the United States not otherwise appropriated. Appraisers shall receive such compensation as the Federal Farm Loan Board shall fix, and shall be paid by the Federal land banks and the joint-stock land banks, created under this act, which they serve, in such proportion and in such manner as the Federal Farm Loan Board shall order.

The Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for, shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal Farm Loan Board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January sixteenth, eighteen hundred and eighty three (volume twenty-two, United States Statutes at Large, page four hundred and three), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

The Federal Farm Loan Board shall from time to time require examinations and reports of condition of all land banks established under the provisions of this act, and shall publish consolidated statements of the results thereof. It shall cause to be made appraisals of farm lands as provided by this act, and shall prepare and publish amortization tables which shall be used by national farm-loan associations and land banks organized under this act.

The Federal Farm Loan Board shall prescribe a form for the statement of condition of national farm-loan associations and land banks under its supervision, which shall be filled out quarterly by each such association or bank and transmitted to said board.

POWERS OF FEDERAL FARM LOAN BOARD.

SEC. 4. That the Federal Farm Loan Board shall have power—

(a) To organize and charter Federal land banks, and to charter national farm-loan associations, and joint-stock land banks, as hereinafter defined, subject to the provisions of this act.

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(b) To review and alter at its discretion the rate of interest to be charged by Federal land banks for loans made by them under the provisions of this act, said rates to be uniform so far as practicable.

(c) To grant or refuse to Federal land banks, or joint-stock land banks, authority to make any specific issue of farm-loan bonds.

(d) To make rules and regulations respecting the charges made to borrowers on loans under this act for expenses in appraisal, determination of title, and recording.

(e) To prescribe the form and terms of farm-loan bonds, and the form, terms, and penal sum of all surety bonds required under this act and of such other surety bonds as they shall deem necessary, such surety bonds to cover financial loss as well as faithful performance of duty.

(f) To suspend or to remove for cause any district director or any registrar, appraiser, examiner, or other official appointed by said board under authority of section three of this act; the cause of suspension or removal to be communicated forthwith in writing by the Federal Farm Loan Board to the person suspended or removed, and in case of a district director to the proper farm land bank.

(g) To exercise such incidental powers as shall be necessary or requisite to fulfill their duties and carry out the purposes of this act.

FEDERAL LAND BANKS.

SEC. 5. That as soon as practicable the Federal Farm Loan Board shall divide the continental United States, excluding Alaska, into twelve districts, which shall be known as Federal land-bank districts, and may be designated by number. Said districts shall be apportioned with due regard to the farm-loan needs of the country, but no such district shall contain a fractional part of any State. Said districts may be readjusted from time to time. In no case shall a Federal land bank be established with less than $750,000 capital stock.

The Federal Farm Loan Board shall establish in each Federal land-bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land-bank district.

Each Federal land bank shall be temporarily managed by three directors appointed by the Federal Farm Loan Board. Said directors shall be citizens of the United States and residents of the district. They shall each give a surety bond, the premium on which shall be paid from the funds of the bank. They shall receive such compensation as the Federal Farm Loan Board shall fix. They shall choose from their number, by majority vote, a president, a vice president, and a secretary, who shall also act as treasurer. They are further authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, and to fix their compensation, subject to the approval of the Federal Farm Loan Board.

Said temporary directors shall, under their hands, forthwith make an organization certificate, which shall specifically state:

First. The name assumed by such bank.

Second. The district within which its operations are to be carried on, and the particular city in which its principal office is to be located.

Third. The amount of capital stock and the number of shares into which the same is to be divided: *Provided*, That every Federal land bank organized under this act shall by its articles of association permit an increase of its capital stock from time to time for the purpose of providing for the issue of shares to national farm loan associations and stockholders who may secure loans through agents of Federal land banks in accordance with the provisions of this act.

Fourth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this act.

The organization certificate shall be acknowledged before a judge or clerk of some court of record or notary public, and, together with the acknowledgment thereof, authenticated by the seal of such court or notary, shall be transmitted to the farm loan commissioner, who shall record and carefully preserve the same in his office, where it shall be at all times open to public inspection.

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The Federal Farm Loan Board is authorized to direct such changes in or additions to any such organization certificate, not inconsistent with this act, as it may deem necessary or expedient.

Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until it is dissolved by act of Congress or under the provisions of this act.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to elect a president and a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, require bonds of them and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal Farm Loan Board, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected, its officers elected or appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

After the subscriptions to stock in any Federal land bank by national farm loan associations, hereinafter created, shall have reached the sum of $100,000, the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section.

The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of nine members, each holding office for three years. Six of said directors shall be known as local directors, and shall be chosen by and be representative of national farm-loan associations; and the remaining three directors shall be known as district directors, and shall be appointed by the Federal Farm Loan Board and represent the public interest.

At least two months before the date specified by the Federal Farm Loan Board for the first election the farm-loan commissioner shall notify each national farm-loan association in writing that such election is to be held, giving the number of directors to be elected for its district, and requesting each association to nominate one candidate for each director to be elected. Within ten days of the receipt of such notice each association shall forward its nominations to said farm-loan commissioner. Said commissioner shall prepare a list of candidates for local directors consisting of the twenty persons receiving the highest number of votes from national farm-loan associations making such nominations. At least one month before said election said farm-loan commissioner shall mail to each national farm-loan association the list of candidates. The directors of each national farm-loan association shall cast the vote of said association for as many candidates on said list as there are vacancies to be filled, and shall forward said vote to the farm-loan commissioner within ten days after said list of candidates is received by them. The candidates receiving the highest number of votes shall be elected as local directors. In case of a tie the farm-loan commissioner shall determine the choice.

The Federal Farm Loan Board shall designate one of the district directors to serve for three years and to act as chairman of the board of directors. It shall designate one of said directors to serve for a term of two years and one to serve for a term of one year. After the first appointments each director shall be appointed for a term of three years.

At the first regular meeting of the board of directors of each Federal land bank it shall be the duty of the local directors to designate two of the local directors whose term of office shall expire in one year from the date of such meeting, two whose term of office shall expire in two years from said date, and two whose term of office shall expire in three years from said date. Thereafter every director of a Federal land bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the board of

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directors shall be filled for the unexpired term in the manner provided for the original selection of such directors.

Directors of Federal land banks shall have been for at least two years residents of the district for which they are appointed or elected, and at least one district director shall be experienced in practical farming and actually engaged at the time of his appointment in farming operations within the district. No director of a Federal land bank shall, during his continuance in office, act as an officer, director, or employee of any other institution, association, or partnership engaged in banking or in the business of making or selling land-mortgage loans.

Directors of Federal land banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective bords, to be paid by the respective Federal land banks. Any compensation that may be provided by boards of directors of Federal land banks for directors, officers, or employees shall be subject to the approval of the Federal Farm Loan Board.

CAPITAL STOCK OF FEDERAL LAND BANKS.

SEC. 6. That every Federal land bank shall have, before beginning business, a subscribed capital of not less than $750,000. The Federal Farm Loan Board is authorized to prescribe the terms, conditions, and time of the payment of subscriptions to capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof.

The capital stock of each Federal land bank shall be divided into shares of $5 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any State or of the United States.

Stock held by national farm-loan associations shall not be transferred or hypothecated, and the certificates therefor shall so state.

Stock owned by the Government of the United States in Federal land banks shall receive no dividends, but all other stock shall share in dividend distributions without preference. Each national farm-loan association and the Government of the United States shall be entitled to one vote for each share of stock held by it in deciding all questions at meetings of shareholders, and no other shareholder shall be permitted to vote. Stock owned by the United States shall be voted by the farm-loan commissioner, as directed by the Federal Farm Loan Board.

It shall be the duty of the Federal Farm Loan Board, as soon as practicable after the passage of this act, to open books of subscription for the capital stock of a Federal land bank in each Federal land-bank district. If within ninety days after the opening of said books any part of the minimum capitalization of $750,000 herein prescribed for Federal land banks shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call in whole or in part by the board of directors of said land bank upon thirty days' notice, subject to the approval of the Federal Farm Loan Board; and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance as called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated: *Provided*, That no payments from the Secretary of the Treasury shall be made on subscriptions to the stock of any Federal land bank until applications for loans shall have been received from at least ten national farm-loan associations.

After subscriptions to capital stock by national farm-loan associations shall amount to $750,000 in any Federal farm land bank, said bank shall apply semi-annually to the payment and retirement of the shares of stock which were issued to represent the subscriptions to the original capital twenty-five per centum of all sums thereafter subscribed to capital stock until all such original capital stock is retired at par.

At least twenty per centum of the capital stock of any Federal farm land bank which is paid in by national farm loan associations shall consist of cash in the vaults of said land bank or of deposits in member banks of the Federal reserve system or of investments in negotiable interest-bearing securities approved by the Federal farm loan board: *Provided*, That not less than five per centum of such capital stock shall be invested in bonds of the United States.

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GOVERNMENT AGENCIES.

SEC. 7. That all Federal land banks and joint-stock land banks organized under this act shall perform all reasonable duties as financial agents of the Government that the Secretary of the Treasury may require of them.

NATIONAL FARM LOAN ASSOCIATIONS.

SEC. 8. That corporations, to be known as national farm loan associations, may be organized by persons desiring to borrow money on farm mortgage security under the terms of this act. Persons desiring to form such an association shall enter into articles of association which shall specify in general terms the object for which the association is formed and the territory within which its operations are to be carried on, and which may contain any other provision, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. Said articles shall be signed by the persons uniting to form the association, and a copy thereof shall be forwarded to the Federal land bank for the district, to be filed and preserved in its office.

Every national farm loan association shall elect, in the manner prescribed for the election of directors of national banking associations, a board of not less than five directors, who shall hold office for the same period and under the same conditions as directors of national banking associations.

It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who may receive such compensation as said board of directors shall determine. The board of directors shall elect a president, vice president, and a loan committee of three members.

The directors and all officers except the secretary-treasurer shall serve without compensation, unless the payment of salaries to them shall be approved by the Federal farm loan board. All officers and directors except the secretary-treasurer shall, during their term of office, be bona fide residents of the territory within which the association is authorized to do business, and shall be shareholders of the association.

It shall be the duty of the secretary-treasurer of every national farm-loan association to act as custodian of its funds and to deposit the same in such bank as the board of directors may designate, to pay over to borrowers all sums received for their account from the Federal land bank upon first mortgage, as in this act prescribed, and to meet all other obligations of the association, subject to the orders of the board of directors and in accordance with the by-laws of the association. Said secretary-treasurer shall likewise collect, receipt for, and transmit to the Federal land bank all payments of interest, amortization installments, or principal arising out of loans made through the association. He shall be the custodian of the securities, records, papers, certificates of stock, and all documents relating to or bearing upon the conduct of the affairs of the association. He shall furnish a suitable surety bond to be prescribed and approved by the Federal Farm Loan Board for the proper performance of the duties imposed upon him under this act, which shall cover prompt collection and transmission of funds. He shall make a quarterly report to the Federal farm loan board upon forms to be provided for that purpose. Upon request from said board said secretary-treasurer shall furnish information regarding the condition of the national farm loan association for which he is acting, and he shall carry out all duly authorized orders of said board. He shall assure himself from time to time that the loans made through the national farm loan association of which he is an officer are applied to the purposes set forth in the application of the borrower as approved, and shall forthwith report to the land bank of the district any failure of any borrower to comply with the terms of his application or mortgage. He shall also ascertain and report to said bank the amount of any delinquent taxes on land mortgaged to said bank and the name of the delinquent.

The reasonable expenses of the secretary-treasurer, the loan committee, and other officers and agents of national farm loan associations and the salary of the secretary-treasurer may be paid from the general funds of the association, and the board of directors is authorized to set aside such sums as it shall deem requisite for that purpose and for other expenses of said association. When no such funds are available, the board of directors may levy an assessment on members in proportion to the amount of stock held by each, which

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may be repaid as soon as funds are available, or it may secure an advance from the Federal land bank of the district, to be repaid with interest at the rate of six per centum per annum, from dividends belonging to said association. Said Federal land bank is hereby authorized to make such advance and to deduct such repayment.

Ten or more natural persons who are the owners, or about to become the owners, of farm land qualified as security for a mortgage loan under section twelve of this act may unite to form a national farm loan association. They shall organize subject to the requirements and the conditions specified in this section and in section five of this act, so far as the same may be applicable: *Provided*, That the board of directors may consist of five members only, and instead of a secretary and a treasurer there shall be a secretary-treasurer, who need not be a shareholder of the association.

When the articles of association are forwarded to the Federal land bank of the district, as provided in this section, they shall be accompanied by the written report of the loan committee, as required in section ten of this act, and by an affidavit stating that each of the subscribers is the owner, or is about to become the owner, of farm land qualified under section twelve of this act as the basis of a mortgage loan; that the loan desired by each person is not more than $10,000 nor less than $100 and that the aggregate of the desired loans is not less than $20,000; that said affidavit is accompanied by a subscription to stock in the Federal land bank equal to five per centum of the aggregate sum desired on mortgage loans; and that a temporary organization of said association has been formed by the election of a board of directors, a loan committee, and a secretary-treasurer who subscribes to said affidavit, giving his residence and post-office address.

Upon receipt of such articles of association, with the accompanying affidavit and stock subscription, the directors of said Federal land bank shall send an appraiser to investigate the solvency and character of the applicants and the value of their lands, and shall then determine whether in their judgment a charter should be granted to such association. They shall forward such articles of association and the accompanying affidavit to the Federal farm loan board with their recommendation. If said recommendation is unfavorable, the charter shall be refused.

If said recommendation is favorable, the Federal Farm Loan Board shall thereupon grant a charter to the applicants therefor, designating the territory in which such association may make loans, and shall forward said charter to said applicants through said Federal land bank: *Provided*, That said Federal Farm Loan Board may for good cause shown in any case refuse to grant a charter.

Upon receipt of its charter such national farm loan association shall be authorized and empowered to receive from the Federal land bank of the district sums to be loaned to its members under the terms and conditions of this act.

Whenever any national farm loan association shall desire to secure for any member a loan on first mortgage from the Federal land bank of its district it shall subscribe for capital stock of said land bank to the amount of five per centum of such loan, such subscription to be paid in cash upon the granting of the loan by said land bank. Such capital stock shall be held by said land bank as collateral security for the payment of said loan, but said association shall be paid any dividends accruing and payable on said capital stock while it is outstanding. Such stock may, in the discretion of the directors and with the approval of the Federal Farm Loan Board, be paid off at par and retired proportional to any reduction which may be made in the principal sum loaned to the member; and the directors shall pay off at par and retire such stock outstanding when the loan shall have been fully repaid. In such cases the national farm loan association shall pay off at par and retire the corresponding share or shares of its stock which were issued when said land-bank stock was subscribed.

CAPITAL STOCK AND SPECIAL PROVISIONS OF NATIONAL FARM LOAN ASSOCIATIONS.

SEC. 9. That the shares in national farm loan associations shall be of the par value of $5 each.

Every shareholder shall be entitled to one vote on each share of stock held by him at all elections of directors and in deciding all questions at meetings of shareholders: *Provided*, That the maximum number of votes which may be cast by any one shareholder shall be twenty.

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No persons but borrowers on farm land mortgages shall be members or shareholders of national farm loan associations.

Any person desiring to borrow on farm land mortgage through a national farm loan association shall subscribe for shares of stock in such farm loan association to an amount equal to five per centum of the face of the desired loan, said subscription to be paid in cash upon the granting of the loan. If the loan is granted, the applicant shall, upon full payment therefor, become the owner of one share of capital stock in said loan association for each $100 of the face of his loan or any fractional part thereof. Said capital stock shall be held by said association as collateral security for the payment of said loan, but said borrower shall be paid any dividends accruing and payable on said capital stock while it is outstanding.

Every national farm loan association formed under this act shall by its articles of association provide for an increase of its capital stock from time to time for the purpose of securing loans for its members and providing for the issue of shares to borrowers in accordance with the provisions of this act. Such increases shall be included in the quarterly reports to the Federal farm loan board.

Any person whose application for membership is accepted by a national farm loan association shall be entitled to borrow money on farm land mortgage upon filing his application in accordance with section eight and otherwise complying with the terms of this act whenever the Federal land bank of the district has funds available for that purpose, unless said land bank or the Federal Farm Loan Board shall, in its discretion, otherwise determine.

Any person desiring to secure a loan through a national farm loan association under the provisions of this act may, at his option, borrow from the Federal land bank through such association the sum necessary to pay for shares of stock subscribed for by him in the national farm loan association, such sum to be made a part of the face of the loan and paid off in amortization payments: *Provided, however,* That such addition to the loan shall not be permitted to increase said loan above the sixty per centum limited in section twelve.

Shareholders of every national farm loan association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

After a charter has been granted to a national farm-loan association any natural person who is the owner or about to become the owner of farm land qualified under section twelve of this act as the basis of a mortgage loan and who desires to borrow on a mortgage of such farm land may become a member of the association by a two-thirds vote of the directors upon subscribing for one share of the capital stock of such association for each $100 of the face of his proposed loan or any fractional part thereof. He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section twelve of this act.

If membership is refused to any applicant under this section, or if the loan applied for is for any reason rejected, the sum deposited by him shall be returned without deduction.

APPRAISAL.

SEC. 10. That whenever an application for a mortgage loan is made to a national farm-loan association it shall be first referred to the loan committee provided for in section eight of this act. Said loan committee shall examine the land which is offered as security for the desired loan and shall make a detailed written report, signed by all three members, giving the appraisal of said land as determined by them and such other information as may be required by rules and regulations to be prescribed by the Federal Farm Loan Board. No loan shall be approved by the directors unless said loan committee agrees upon a favorable report.

The written report of said loan committee shall be submitted to the Federal land bank, and the directors of said land bank shall examine said written report when they pass upon the loan application which it accompanies, but they shall not be bound by said appraisal.

Before any mortgage loan is made by any Federal land bank or joint-stock land bank it shall refer the application and written report of the loan committee to one or more of the appraisers appointed under the authority of section three of this act, and such appraiser or appraisers shall investigate and

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make a written report upon the land offered as security for said loan. No such loan shall be made by said land bank unless said written report is favorable.

No borrower under this act shall be eligible as an appraiser under this section, but borrowers may act as members of a loan committee in any case where they are not personally interested in the loan under consideration. When any member of a loan committee or of a board of directors is interested, directly or indirectly, in a loan a majority of the board of directors of any national farm-loan association shall appoint a substitute to act in his place in passing upon such loan.

POWERS OF NATIONAL FARM LOAN ASSOCIATIONS.

SEC. 11. That every national farm loan association shall have power:

First. To indorse, and thereby become liable for the payment of, mortgages taken from its shareholders by the Federal land bank of its district.

Second. To receive from the Federal land bank of its district funds advanced by said land bank, and to deliver said funds to its shareholders on receipt of first mortgages qualified under section twelve of this act.

Third. To acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business.

Fourth. Against deposits of current funds, to issue certificates for $20 and $50, or any multiple of either, convertible into Federal farm loan bonds; such deposits to be forthwith transmitted to the Federal land bank of the district. The land bank shall, as soon as practicable after the receipt of any money so deposited with any national farm loan association, forward to such association Federal farm loan bonds of a par value equal to the amount received from such association. Such association shall hold such bonds in trust to redeem its outstanding convertible certificates and shall not deliver them except in exchange and upon presentation for redemption and cancellation of an equal amount of such convertible certificates. When such certificates are redeemed by the association issuing them they shall be canceled. Such association may charge the holder of such certificates the actual expense incurred in forwarding the bonds from the land bank to the association, together with accrued interest. Such accrued interest, if collected, to be forwarded to the Federal land bank.

RESTRICTIONS ON LOANS BASED ON FIRST MORTGAGES.

SEC. 12. That no Federal land bank organized under this act shall make loans except upon the following terms and conditions:

First. Said loans shall be secured by duly recorded first mortgages on farm land within the land bank district in which the bank is situated.

Second. Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a given number of annual semiannual installments sufficient in amount to cover, first, interest on the loan at a rate which shall be the same as that of the last series of farm-loan bonds issued by the bank making the loan; second, a charge for administration and profits at a rate which shall not exceed one per centum per annum of the outstanding loan; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than five years nor more than thirty-six years: *Provided*, That after five years from the date upon which a loan was made additional payments in sums of $25, or any multiple thereof, for the reduction of the principal may be made on any regular installment date under the rules and regulations of the Federal Farm Loan Board.

Third. The rate of interest charged for such loans shall not exceed six per centum per annum.

Fourth. Such loans may be made for the following purposes and for no other:

(a) To provide for the purchase of land for agricultural uses.

(b) To provide for the purchase of equipment and live stock necessary for the proper and reasonable operation of the farm; the term "equipment" to be defined by the Federal Farm Loan Board.

(c) To provide buildings and for the improvement of farm lands; the term "improvement" to be defined by the Federal Farm Loan Board.

(d) To liquidate indebtedness of the owner of the land mortgaged, existing at the time of the organization of the first national farm-loan association

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established in or for the county in which the land mortgaged is situated, or indebtedness subsequently incurred for one of the purposes above mentioned.

Fifth. No such loan shall exceed sixty per centum of the value of the land mortgaged and twenty per centum of the value of the permanent, insured improvements thereon, said value to be ascertained by appraisal, as provided in section ten of this act. In making said appraisal the value of the land for agricultural purposes shall be the basis of appraisal and the earning power of said land shall be a factor. A reappraisal may be permitted at any time in the discretion of the Federal land bank, and such additional loan may be granted as such reappraisal will warrant under the provisions of this paragraph. Whenever the amount of the loan applied for exceeds the amount that may be loaned under the appraisal as herein limited, such loan may be granted to the amount permitted under the terms of this paragraph without requiring a new application or appraisal.

Sixth. No such loan shall be made to any person who is not at the time, or shortly to become, engaged in the cultivation of the farm mortgaged. In case of the sale of the mortgaged land, the purchaser shall have the option within sixty days to assume the mortgage and stock obligations of the mortgagor on the mortgaged farm. In case of the death of the mortgagor, his heir or heirs, or his legal representative or representatives, shall have the option, within sixty days of such death, to assume the mortgage and stock obligations of the deceased on the mortgaged farm.

Seventh. The amount of loans to any one borrower shall in no case exceed a maximum of $10,000.

Eighth. Every applicant for a loan under the terms of this act shall make application on a form to be prescribed for that purpose by the Federal Farm Loan Board, and such applicant shall state the objects to which the proceeds of said loan are to be applied, and shall afford such other information as may be required.

Ninth. Every borrower shall undertake to pay when due all premiums on insurance and also all taxes and local assessments which may be lawfully assessed against the land mortgaged.

Tenth. Every borrower who shall be granted a loan under the provisions of this act shall enter into an agreement, in form and under conditions to be prescribed by the Federal Farm Loan Board, that if the whole or any portion of his loan shall be expended for purposes other than those specified in his original application, or if the borrower shall be in default in respect to any condition of the mortgage, the whole of said loan shall, at the option of the bank holding same, become due and payable: *Provided*, That the borrower may use part of said loan to repay any sum borrowed to pay for his stock in the National Farm Loan Association, and the land bank holding such mortgage may permit said loan to be used for some other purpose specified in this section.

POWERS OF FEDERAL LAND BANKS.

SEC. 13. That every Federal land bank shall have power, subject to the limitations of this act—

First. To issue, subject to the approval of the Federal Farm Loan Board, and to sell, farm-loan bonds of the kinds authorized in this act, to buy the same for its own account, and to retire the same at or before maturity.

Second. To invest such funds as may be in its possession in the purchase of qualified first mortgages on farm lands situated within the Federal land-bank district within which it is organized.

Third. To receive and to deposit in trust with the farm-loan registrar for the district, to be by him held as collateral security for farm-loan bonds, first mortgages upon farm land qualified under section twelve of this act, and to empower national farm-loan associations, or duly authorized agents, to collect and immediately pay over to said land bank the dues, interest, amortization installments, and other sums payable under the terms, conditions, and covenants of the mortgages and of the bonds secured thereby.

Fourth. To acquire and dispose of—

(a) Such property, real or personal, as may be necessary or convenient for the transaction of its business, which, however, may be in part leased to others for revenue purposes.

(b) Parcels of land mortgaged to it as security.

(c) Parcels of land acquired in satisfaction of debts or purchased at sales under judgments, decrees, or mortgages held by it. But no such bank shall

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hold title and possession of any real estate purchased or acquired to secure any debt due to it for a longer period than five years except with the special approval of the Federal Farm Loan Board in writing.

Fifth. To deposit its securities and its current funds subject to check with any member bank of the Federal Reserve System, and to receive interest on the same as may be agreed.

Sixth. To accept deposits of securities or of current funds from national farm-loan associations holding its shares, but to pay no interest on such deposits.

Seventh. To buy and sell United States bonds.

Eighth. To charge borrowers, under rules and regulations promulgated by the Federal farm-loan board, reasonable fees not exceeding the actual cost of appraisal and determination of title. Legal fees and recording charges imposed by law in the State where the land to be mortgaged is located may also be included in the preliminary costs of negotiating mortgage loans. The borrower may, at his option, pay such fees or he may require them to be advanced by the Federal land bank making the loan, in which case said expenses shall be made a part of the face of the loan and paid off in amortization payments. Such addition to the loan shall not be permitted to increase said loan above the limitations provided in section twelve.

RESTRICTIONS ON FEDERAL LAND BANKS.

SEC. 14. That no Federal land bank shall have power—

First. To accept deposits of current funds payable upon demand except from its own stockholders, or to transact any banking or other business not expressly authorized by the provisions of this act.

Second. To loan on first mortgage except through national farm loan associations as provided in section eight of this act, or through agents as provided in section fifteen.

Third. To accept any mortgages on real estate except first mortgages created subject to all limitations imposed by section twelve.

Fourth. To issue or obligate itself for outstanding farm loan bonds in excess of twenty times the amount of its capital or to receive from any national farm loan association additional mortgages when the principal remaining unpaid upon mortgages already received from such association shall exceed twenty times the amount of its capital stock owned by such association.

Fifth. To demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act.

AGENTS OF FEDERAL LAND BANKS.

SEC. 15. That whenever it shall appear to the Federal Farm Loan Board that national farm loan associations have not been formed, and are not likely to be formed, in any locality, because of some peculiar local conditions, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board.

Such loans shall be subject to the same conditions and restrictions as if the same were made through national farm loan associations, and each borrower shall contribute five per centum of the amount of his loan to the capital of the Federal land bank, and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

No agent other than a duly incorporated bank, trust company, mortgage company, or savings institution, chartered by the State in which it has its principal office, shall be employed under the provisions of this section.

Federal land banks may pay to such agents the actual expense of appraising the land offered as security for a loan, examining and certifying the title thereof, and making, executing, and recording the mortgage papers, and in addition may allow said agents not to exceed one-half of one per centum per annum upon the unpaid principal of said loan.

Actual expenses paid to agents under the provisions of this section may be added to the face of the loan and paid off in amortization payments as provided in subsection eight of section thirteen of this act.

Said agents, when required by the Federal land banks, shall collect and forward to such banks without charge all interest and amortization payments on loans indorsed by them.

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Any agent negotiating any such loan shall indorse the same and become liable for the payment thereof and for any default by the mortgagor, on the same terms and under the same penalties as if the loan had been originally made by said agent as principal and sold by said agent to said land bank, but the aggregate of the unpaid principal of mortgage loans received from any such agent shall not exceed ten times its capital and surplus.

If at any time the district represented by any agent under the provisions of this section shall, in the judgment of the Federal farm loan board, be adequately served by national farm loan associations, no further loans shall be negotiated therein by agents under this section.

JOINT STOCK LAND BANKS.

SEC. 16. That corporations, to be known as joint stock land banks, for carrying on the business of lending on farm mortgage security and issuing farm loan bonds may be formed by any number of natural persons not less than ten. They shall be organized subject to the requirements and under the conditions set forth in section five of this act, so far as the same may be applicable: *Provided*, That the board of directors of every joint stock land bank shall consist of not less than five members.

Shareholders of every joint stock land bank organized under this act shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at the par value thereof, in addition to the amount paid in and represented by their shares.

Except as otherwise provided, joint stock land banks shall be subject to all the restrictions and conditions imposed on Federal land banks by this act, so far as such restrictions and conditions are applicable: *Provided, however*, That the Government of the United States shall not purchase or subscribe for any of the capital stock of any such bank; and each shareholder of any such bank shall have the same voting privileges as holders of shares in national banking associations.

No joint-stock land banks shall have power to issue or obligate itself for outstanding farm-loan bonds in excess of fifteen times the amount of its capital and surplus, or to accept deposits of current funds payable upon demand, or to accept deposits of current funds payable upon demand, or to transact any banking or other business not expressly authorized by the provisions of this act.

No joint-stock land bank shall be authorized to do business until capital stock to the amount of at least $250,000 has been subscribed and paid in cash and a charter has been issued to it by the Federal Farm Loan Board.

Farm-loan bonds issued by joint-stock land banks shall be so engraved as to be readily distinguished in form and color from farm-loan bonds issued by Federal land banks, and shall otherwise bear such distinguishing marks as the Federal Farm Loan Board shall direct.

Joint-stock land banks shall not be subject to the provisions of subsection (b) of section four of this act as to interest rates on mortgage loans or farm-loan bonds, nor to the provisions of subsections one, four, six, seven, and ten of section twelve as to restrictions on mortgage loans: *Provided, however*, That no loans shall be made which are not secured by first mortgages on farm lands within the State in which such joint-stock land bank has its principal office. Such joint-stock land banks shall be subject to all other restrictions on mortgage loans imposed on Federal land banks in section twelve of this act.

Joint-stock land banks shall in no case charge interest on farm loans exceeding by more than one per centum the rate of interest established for the last series of farm-loan bonds issued by them.

Joint-stock land banks shall in no case demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act.

Each joint-stock land bank organized under this act shall have authority to issue bonds based upon mortgages taken by it in accordance with the terms of this act. Such bonds shall be in form prescribed by the Federal Farm Loan Board, and it shall be stated in such bonds that such bank is organized under section sixteen of this act, is under Federal supervision, and operates under the provisions of this act.

APPLICATIONS FOR FARM-LOAN BONDS.

SEC. 17. That any land bank which shall have voted to issue farm-loan bonds under this act shall make written application to the Federal Farm Loan

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Board, through the farm-loan registrar of the district, for approval of such issue. With said application said land bank shall tender to said farm-loan registrar as collateral security first mortgages on farm lands qualified under the provisions of section twelve, section fifteen, or section sixteen of this act, or United States Government bonds, not less in aggregate amount than the sum of the bonds proposed to be issued. Said bank shall furnish with such mortgages a schedule containing a description thereof and such further information as may be prescribed by the Federal Farm Loan Board.

Upon receipt of such application said farm-loan registrar shall verify said schedule and shall transmit said application and said schedule to the Federal Farm Loan Board, giving such further information pertaining thereto as he may possess. The Federal Farm Loan Board shall forthwith cause one or more examiners to make such investigation and appraisement of the securities tendered as it shall deem wise, and upon receiving a written report from said examiner or examiners it shall grant in whole or in part, or reject entirely, such application.

The Federal Farm Loan Board shall promptly transmit its decision as to any issue of farm-loan bonds to the land bank applying for the same and to the farm-loan registrar of the district. Said registrar shall furnish, in writing, such information regarding any issue of farm-loan bonds as the Federal Farm Loan Board may at any time require.

No issue of farm-loan bonds shall be authorized unless the Federal Farm Loan Board shall approve such issue in writing.

ISSUE OF FARM-LOAN BONDS.

SEC. 18. That whenever any farm-loan registrar shall receive from the Federal Farm Loan Board notice that it has approved any issue of farm-loan bonds under the provisions of section seventeen, he shall forthwith take such steps as may be necessary, in accordance with the provisions of this act, to insure the prompt execution of said bonds and shall deliver the same to the land bank applying therefor.

Whenever the Federal Farm Loan Board shall reject entirely any application for an issue of farm-loan bonds, the first mortgages and United States bonds tendered to the farm-loan registrar as collateral security therefor shall be forthwith returned to said land bank by him.

Whenever the Federal Farm Loan Board shall approve an issue of farm-loan bonds, the farm-loan registrar having the custody of the first mortgages and bonds tendered as collateral security for such issue of bonds shall retain in his custody those first mortgages and bonds which are to be held as collateral security, and shall return to the bank owning the same any of said mortgages and bonds which are not to be held by him as collateral security. The land bank which is to issue said farm-loan bonds shall transfer to said registrar, by assignment, in trust, all first mortgages and bonds which are to be held by said registrar as collateral security, said assignment providing for the right of redemption at any time by payment as provided in this act. The land bank shall have the right to substitute other mortgages qualified under section twelve, section fifteen, or section sixteen of this act. Said mortgages and bonds shall be deposited in such deposit vault or bank as the Federal Farm Loan Board shall approve, subject to the control of said registrar and in his name as trustee for the bank issuing the farm-loan bonds and for the prospective holders of said farm-loan bonds.

It shall be the duty of each farm-loan registrar to see that the farm-loan bonds delivered by him and outstanding do not exceed the amount of collateral security pledged therefor. Such registrar may, in his discretion, temporarily accept United States Government bonds or cash in place of mortgages withdrawn.

The Federal Farm Loan Board may at any time call upon any land bank for additional security to protect the bonds issued by it.

FORM OF FARM-LOAN BONDS.

SEC. 19. That bonds provided for in this act shall be issued in denominations of $20, $50, $100, $500, and $1,000. They shall run for specified minimum and maximum periods, subject to payment and retirement at the option of the land bank at any time after five years from the date of their issue. They shall have interest coupons attached, payable semiannually, and shall be issued in

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series of not less than $50,000, the amount and term to be fixed by the Federal Farm Loan Board. They shall bear a rate of interest not to exceed five per centum per annum.

The Federal Farm Loan Board shall prescribe rules and regulations concerning the circumstances and manner in which farm-loan bonds shall be paid and retired under the provisions of this act.

In order to furnish suitably engraved bonds for delivery to Federal land banks and joint-stock land banks, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such bonds of the denominations of $20, $50, $100, $500, and $1,000 as may be required to supply such land banks. Such bonds shall be in form and tenor as directed by the Federal Farm Loan Board under the provisions of this act, and shall bear the distinctive numbers and names of the several land banks by which they are issued. They may be exchanged into registered bonds of any amount, and reexchanged into coupon bonds, at the option of the holder, under rules and regulations to be prescribed by the Federal Farm Loan Board.

When such bonds have been prepared, they shall be deposited in the Treasury or in the subtreasury or mint of the United States nearest the place of business of the land bank for which such bonds have been prepared, and shall be held for the use of such bank, subject to the order of the farm-loan registrar of the district.

The plates and dies to be procured by the Comptroller of the Currency for the printing of such bonds shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the preparation of such bonds, and all other expenses incidental to their issue and retirement, shall be paid by the land banks. The Federal Farm Loan Board shall levy semiannually against the respective Federal land banks and joint-stock land banks, in proportion to the issue of bonds by each, a sufficient amount to cover such expenses.

The examination of plates, dies, bed pieces, and so forth, and regulations relating to such examination of plates, dies, and so forth, of national-bank notes provided for in section fifty-one hundred and seventy-four, Revised Statutes, are hereby extended to include bonds herein provided for.

Any appropriation heretofore made out of the general fund of the Treasury for engraving plates and dies, for the purchase of distinctive paper, or to cover any other expense in connection with the printing of paper currency, and any distinctive paper that may be on hand at the time of the passage of this act may be used in the discretion of the Secretary of the Treasury for the purposes of this act, and should the appropriations heretofore made be insufficient to meet the requirements of this act, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated as may be required for the purpose of furnishing the bonds aforesaid, adequate reimbursement being duly made therefor under the provisions of this section.

SPECIAL PROVISIONS OF FARM-LOAN BONDS.

SEC. 20. That the form of farm-loan bonds issued under this act shall be prepared by the Federal Farm Loan Board. The form of farm-loan bonds issued by a Federal land bank shall include, among other provisions, a copy of this section of this act and a statement that the assets of all the Federal land banks are jointly and severally liable for the payment of each bond, and shall further state the physical basis of such bonds in farm lands and such other information as may be prescribed by the Federal Farm Loan Board.

Each bond shall also contain a certificate in the face thereof, signed by the farm loan commissioner, to the effect that this bond has the approval in form and issue of the Federal Farm Loan Board and is legal and regular in all respects. It shall be signed by the president of the bank issuing the same and attested by its secretary.

Each land bank shall be held to be bound in all respects by the acts of its president in signing farm-loan bonds and by the acts of the Federal Farm Loan Board in authorizing their issue.

There shall appear in the face of each farm-loan bond provided for in this act the statement that such bond is not taxable by National, State, or municipal authority.

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Every Federal land bank issuing farm-loan bonds shall be primarily liable therefor and shall also be liable, upon presentation of farm-loan-bond coupons, for interest payments due upon any farm-loan bonds issued by other Federal land banks and remaining unpaid in consequence of the default of such other land banks; and every such bank shall likewise be liable for such portion of the principal of farm-loan bonds so issued as shall not be paid after the assets of any such other land banks shall have been liquidated and distributed: *Provided*, That such losses, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board against solvent land banks liable therefor in proportion to the amount of farm-loan bonds which each may have outstanding at the time of such assessment.

Every Federal land bank shall by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable on farm-loan bonds as provided in this section.

APPLICATION OF AMORTIZATION AND INTEREST PAYMENTS.

SEC. 21. That whenever any Federal land bank or joint-stock land bank shall receive any interest, amortization, or other payments upon any first mortgage pledged as collateral security for the issue of farm-loan bonds, it shall forthwith notify the farm-loan registrar of the items so received. Said registrar shall forthwith cause such payment to be duly credited upon the mortgage entitled to such credit. Whenever any such mortgage is paid in full, said registrar shall cause the same to be canceled and delivered to the proper land bank, which shall promptly satisfy and discharge the lien of record and transmit such canceled mortgage to the original maker thereof, or his heirs, administrators, executors, or assigns.

Whenever any farm-loan bonds, or coupons or interest payments of such bonds, are due under their terms, they shall be payable at the land bank by which they were issued, in gold or lawful money, and upon payment shall be duly canceled by said bank. At the discretion of the Federal Farm Loan Board, payment of any farm-loan bond or coupons or interest payment may, however, be authorized to be made at any Federal land bank, any joint-stock land bank, or any other bank, under rules and regulations to be prescribed by the Federal Farm Loan Board.

When any land bank shall surrender to the proper farm-loan registrar any farm-loan bonds of any series, canceled or uncanceled, said land bank shall be entitled to withdraw first mortgages and bonds pledged as collateral security for any of said series of farm-loan bonds to an amount equal to the farm-loan bonds so surrendered, and it shall be the duty of said registrar to permit and direct the delivery of such mortgages and bonds to such land bank.

Interest payments on hypothecated first mortgages shall be at the disposal of the land bank pledging the same, and shall be available for the payment of coupons and the interest of farm-loan bonds as they become due.

Whenever any bond matures, or the interest on any registered bond is due, or the coupon on any coupon bond matures, and the same shall be presented for payment as provided in this act, the full face value thereof shall be paid to the holder.

Amortization and other payments on the principal of first mortgages held by a farm-loan registrar as collateral security for the issue of farm-loan bonds shall be applied by the Federal land bank or joint-stock land bank receiving the same as follows:

In the case of a Federal land bank—

(a) To pay off farm loan bonds issued by said bank as they mature.

(b) To purchase at or below par farm loan bonds issued by said bank or by any Federal land bank.

(c) To loan on first mortgages on farm lands within the land bank district qualified under this act as collateral security for an issue of farm loan bonds.

(d) To purchase United States Government bonds.

In the case of a joint stock land bank—

(a) To pay off farm loan bonds issued by said bank as they mature.

(b) To purchase at or below par farm loan bonds.

(c) To loan on first mortgages on farm lands within the State in which it has its principal office.

(d) To purchase United States Government bonds.

The farm loan bonds, first mortgages, Government bonds, or gold or lawful money shall be forthwith deposited with the farm loan registrar as substituted

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collateral security in place of the sums paid on the principal of indorsed mortgages held by him in trust.

RESERVES AND DIVIDENDS OF LAND BANKS.

SEC. 22. That every Federal land bank, and every joint stock land bank, shall semiannually carry to reserve account twenty-five per centum of its net earnings until said reserve account shall show an aggregate balance equal to twenty per centum of the outstanding capital stock of said land bank. Whenever said reserve shall have been impaired said balance of twenty per centum shall be fully restored before any dividends are paid. After said reserve has reached the sum of twenty per centum of the outstanding capital stock five per centum of the net earnings shall be annually added thereto. For the period of two years from the date when any default occurs in the payment of the interest, amortization installments, or principal on any first mortgage by both mortgagor and indorser, the amount so defaulted shall be carried to a suspense account, and at the end of the two-year period specified, unless collected, shall be debited to reserve account.

Every Federal land bank shall maintain a special reserve fund. Such fund shall be created by deducting from the subscription which is made to the capital of the land bank on account of every amortized mortgage loan a sum equal to five per centum of the annual interest income on the face of such loan until the said special reserve fund shall amount to the maximum sum of $150,000.

Each Federal land bank shall supply, as far as practicable, from this special reserve fund all payments of interest and amortization installments on all mortgage loans where defaults are carried to suspense account as provided in this section.

No national farm loan association shall be declared insolvent by the Federal Farm Loan Board during the period in which all the installments of interest and amortization on its indorsed mortgage loans are fully paid from this special reserve fund: *Provided*, That payments from such special reserve fund shall not be made on any one loan for a longer period than two years. The special reserve fund provided in this section shall be used for no purpose other than to make such payments as are herein specifically authorized, and when recovery is made by any land bank of any moneys paid from its special reserve fund the total amount of said moneys so recovered shall be paid into the special reserve fund. If the full amount is not recovered and it is debited to reserve as provided in this section, full reimbursement to the special reserve fund shall be made from the fund so debited.

After deducting the twenty-five per centum or the five per centum hereinbefore directed to be deducted for credit to reserve account, any land bank shall declare a dividend to shareholders of the whole or any part of the balance of its net earnings.

EXEMPTION FROM TAXATION.

SEC. 23. That every Federal land bank and every national farm-loan association, including the capital stock and reserve or surplus therein and the income derived therefrom, shall be exempt from Federal, State, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or association under the provisions of section eleven and section thirteen of this act. First mortgages executed to Federal land banks, or to joint-stock land banks, under the provisions of this act, shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation.

Farm loan bonds issued under the provisions of this act and the income derived therefrom shall be exempt from Federal, State, and local taxation.

INVESTMENT IN FARM LOAN BONDS.

SEC. 24. That farm loan bonds issued under the provisions of this act by Federal land banks or joint-stock land banks shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

Any member bank of the Federal reserve system may buy or sell farm loan bonds issued under the authority of this act.

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EXAMINATIONS.

SEC. 25. That the Federal Farm Loan Board shall appoint as many examiners as in its judgment may be required to make careful examinations of the banks and associations permitted to do business under this act.

Said examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national-bank examiners under the national-bank act, the Federal reserve act, and other provisions of law. Whenever directed by the Federal Farm Loan Board, said examiners shall examine the condition of any national farm loan association and report the same to the farm loan commissioner, and shall examine and report the condition of every Federal land bank and joint-stock land bank at least twice each year.

Said examiners shall receive salaries to be fixed by the Federal Farm Loan Board, which shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

DISSOLUTION AND APPOINTMENT OF RECEIVERS.

SEC. 26. That upon receiving satisfactory evidence that any national farm loan association has failed to meet its outstanding obligations of any description, subject to the limitations of this act, the Federal Farm Loan Board may forthwith declare such association insolvent and appoint a receiver and require of him such bond and security as it deems proper. Such receiver, under the direction of the Federal Farm Loan Board, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, with the approval of the Federal Farm Loan Board, or upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like approval or order, may sell all the real and personal property of such association, on such terms as the Federal Farm Loan Board or said court shall direct. Such receiver shall pay over all money so collected to the Treasurer of the United States, subject to the order of the Federal Farm Loan Board, and also make report to said board of all his acts and proceedings. Upon default of any obligation, Federal land banks and joint-stock land banks may be declared insolvent and placed in the hands of a receiver, to be appointed by the Federal Farm Loan Board, and proceedings shall thereupon be had in accordance with the provisions of this section regarding national farm loan associations.

If any national farm-loan association shall be declared insolvent and a receiver shall be appointed therefor by the Federal Farm Loan Board, the stock held by it in the Federal land bank of its district shall be canceled without impairment of its liability; and all payments on such stock, with accrued dividends, if any, since the date of the last dividend, shall be first applied to all debts of the insolvent farm-loan association to the Federal land bank and the balance, if any, shall be paid to the receiver of said farm-loan association: *Provided*, That in estimating said debts contingent liabilities incurred by national farm-loan associations under the provisions of this act on account of default of principal or interest of indorsed mortgages shall be estimated and included as a debt, and said contingent liabilities shall be determined by agreement between the receiver and the Federal land bank of the district, subject to the approval of the Federal Farm Loan Board, and if said receiver and said land bank can not agree, then by the decision of the farm-loan commissioner, and the amount thus ascertained shall be deducted in accordance with the provisions of this section from the amount otherwise due the said national farm-loan association for said canceled stock. Whenever the capital stock of a Federal land bank shall be reduced, the board of directors shall cause to be executed a certificate to the Federal Farm Loan Board, showing such reduction of capital stock, and, if said reduction shall be due to the insolvency of a national farm-loan association, also showing the amount repaid to such association.

No national farm-loan association, Federal land bank, or joint-stock land bank shall go into voluntary liquidation without the written consent of the Federal Farm Loan Board.

STATE LEGISLATION.

SEC. 27. That it shall be the duty of the farm-loan commissioner to make examination of the laws of every State of the United States and to inform the Federal Farm Loan Board as rapidly as may be whether in his judgment the laws of each State relating to the conveying and recording of land titles, and

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the foreclosure of mortgages or other instruments securing loans, as well as providing homestead and other exemptions and granting the power to waive such exemptions as respects first mortgages, are such as to assure the holder thereof adequate safeguards against loss in the event of default on loan secured by any such mortgages.

Pending the making of such examination in the case of any State, the Federal Farm Loan Board may declare first mortgages on farm lands situated within such State ineligible as the basis for an issue of farm-loan bonds; and if said examination shall show that the laws of any such State afford insufficient protection to the holder of first mortgages of the kinds provided in this act, the said Federal Farm Loan Board may declare said first mortgages on land situated in such State ineligible during the continuance of the laws in question. In making his examination of the laws of the several States and forming his conclusions thereon said farm-loan commissioner may call upon the office of the Attorney General of the United States for any needed legal advice or assistance, or may employ special counsel in any State where he considers such action necessary.

At the request of the executive of any State the Federal Farm Loan Board shall prepare a statement setting forth in what respects the requirements of said board can not be complied with under the existing laws of such State.

PENALTIES.

SEC. 28. That any applicant for a loan under this act who shall knowingly make any false statement in his application for such loan, and any member of a loan committee or any appraiser provided for in this act who shall willfully overvalue any land offered as security for loans under this act, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both. Any examiner appointed under this act who shall accept a loan or gratuity from any land bank or national farm-loan association examined by him, or from any person connected with any such bank or association in any capacity, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as an examiner under the provisions of this act. No examiner, while holding such office, shall perform for compensation any other service for any bank or banking or loan association or for any person connected therewith in any capacity.

Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by any land bank or national farm-loan association now or hereafter authorized and acting under the laws of the United States, or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by any such bank or association, knowing the same to be falsely made, forged, or counterfeited, or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering, any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issued, or purporting to have been issued, by any such bank or association, knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.

Other than the usual salary or director's fee paid to any officer, director, or employee of a national farm-loan association, a Federal land bank, or a joint-stock land bank, and other than a reasonable fee paid by such association or bank to any officer, director, attorney, or employee for services rendered, no officer, director, attorney, or employee of an association or bank organized under this act shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. No land bank or national farm-loan association organized under this act shall charge or receive any fee, commission, bonus, gift, or other consideration not herein specifically authorized. No examiner, public or private, shall disclose the names of borrowers to other than the proper officers of a national farm-loan association or land bank without first having obtained express permission in writing from the farm-loan commissioner or from the board of directors of such association or bank.

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except when ordered to do so by a court of competent jurisdiction or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress of either House duly authorized. Any person violating any provision of this paragraph shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.

Any person connected in any capacity with any national farm-loan association, Federal land bank, or joint-stock land bank, who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits, or who without authority from the directors, draws any order, assigns any note, bond, draft, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such association or land bank with intent in either case to defraud such institution or any other company, body politic or corporate, or any individual person, or to deceive any officer of a national farm-loan association or land bank or any agent appointed to examine into the affairs of any such association or bank, and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.

ORGANIZATION EXPENSES.

SEC. 29. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Federal Farm Loan Board, for the purpose of carrying into effect the provisions of this act.

LIMITATION OF COURT DECISIONS.

SEC. 30. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

REPEALING CLAUSE.

SEC. 31. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 630, PART 2.

RURAL CREDITS.

MAY 5, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LINDBERGH, from the Committee on Banking and Currency, submitted the following

MINORITY VIEWS.

[To accompany H. R. 15004.]

In one way all people would become prosperous; that is to have equal opportunities, and no special privilege. When special privileges are granted to any, all others require special privilege to overcome the advantages created against them.

Special privileges have already been granted to the big national banks and to certain other interests. If we can not get rid of the existing special privileges, special privileges must be granted to all legitimate industries. The practice, however, of granting special privilege at all is much more expensive than it would be to have none.

Some farmers want a special privilege from the Government in the nature of rural credits. Under existing circumstances they are entitled to it. Unfortunately for them, as well as for all unprivileged people, the big banks framed the Federal reserve act, a special-privilege law created exclusively for the banks. It appropriated all existing financial advantages. The rural credit proposed by the majority of the committee avoids taking anything that the banks want. Since they want all that is of value, the farmers would get nothing of value in this bill. In fact it is sop to the farmer, and if it becomes law it will postpone any substantial rural credit.

Let us keep in mind the fact that the farmer feeds the world, while the big bank owners simply scalp profits from the exchanges between the producers and consumers, exploiting them both. Let us compare a few of the special privileges the Federal reserve act gives to the national banks with the failure of the majority of the committee to give any substantial relief to the farmer. I will follow that comparison with a plan which would give an equitable and substantial credit system to all the people.

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SPECIAL PRIVILEGE NO. 1, TO BANKS.

Bank corporations hold over twenty billions of the people's credits, paying an average of less than 2 per cent. They loan those deposits and collect about $1,000,000,000 interest. That is not all, for certain speculators to whom a part of the loans are made collect enormous profits scalping on the market. In the double process, the one by the banks and the other by the speculators who borrow the depositors' money from the banks, the people are forced to pay not only what the banks pay the depositors but in addition enormous profits, besides the billions of dollars the speculators make.

SPECIAL-PRIVILEGE REFUSAL NO. 1, TO THE FARMER.

The farm corporations will not be allowed to receive deposits, not even from their brother farmers themselves. At first there was a sort of pretense for saving deposits in the bill; but if that had been left in the bill it might be the beginning of what would lead to a system favorable to the people, and it was taken out. Therefore the farmers could not, even though they have the best security in the world, secure money direct from the depositors. The banks retain that exclusive monopoly.

SPECIAL PRIVILEGE NO. 2, TO THE BANKS.

The Government established a Postal Savings Bank System for the benefit of the bank corporations. It gathers in the funds of those who prefer to have the Government guarantee their deposits, pays them 2 per cent, and turns these deposits over to the banks for 2½ per cent to speculate with. The Government is put in the capacity of a "copper" for the banks in gathering in postal savings deposits. The banks and speculators, who produce nothing, make more net profits for the use of the people's deposits than all the toilers in field, shop, and elsewhere combined make, and yet these toilers patiently submit to the wrong.

SPECIAL-PRIVILEGE REFUSAL NO. 2, TO FARMERS.

The Government refuses the use of the postal savings bank deposits to farmers and other toilers. What would happen to the value of the farm in the way of improvements if the Government turned over postal savings bank deposits to farm borrowers at 2½ per cent? It would be an economic saving to toilers everywhere and decrease the cost of living.

SPECIAL PRIVILEGE NO. 3, TO THE BANKS.

The bank corporations were given the exclusive privilege to secure emergency currency from "Uncle Sam" when the world war began, and the United States Treasury printed, became responsible for, and delivered to the big banks $387,000,000, and charged 3 per cent interest, while the banks used it to speculate in war credits and made enormous profits.

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SPECIAL-PRIVILEGE REFUSAL NO. 3, TO THE FARMER.

As stated, when the war began the Government furnished the big banks $387,000,000 currency to speculate with. At that time and as a consequence of the war the farmers of 12 States were in dire distress because they could not market their farm products. They could not pay their creditors or buy the necessaries of life, and they were refused emergency currency or Government aid and suffered enormous loss. Many of them will never be able to recover. Contrast that with what the Government did for the Wall Street banks.

SPECIAL PRIVILEGE NO. 4, TO THE BANKS.

The taxes collected for the United States Treasury were turned over to the bank corporations for 2 per cent interest when the war broke out. Rather than disturb the banks in their speculation with these tax funds the Government instead of making the banks pay what the people had already paid in taxes forced the people to pay special war taxes. The big banks, and especially their owners, have made enormous profits on war stocks and war-trade speculations. It is a war tax for their benefit.

SPECIAL-PRIVILEGE REFUSAL NO. 4, TO THE FARMER.

A fake and ineffective provision, section 7, is inserted in the bill by which the Government could deposit money with farm corporations; but that is mere sop, for the other provisions of the bill make it absolutely impractical. The folly of believing that the Treasurer would ever use current taxes to float 36-year mortgages is too apparent and ridiculous to need comment.

SPECIAL PRIVILEGE NO. 5, TO BANKS.

Bank corporations loan their depositors money and also use it to buy bills, acceptances, etc., and take the notes and other paper in their own names and are given the monopoly of securing from "Uncle Sam" money upon the pledge of this paper. They are secured by the paper they have taken for their depositors' money. They not only owe their depositors but they also owe the Government, which has a lien upon this paper ahead of the depositors. In that way the Government permits the banks to inflate the money. Note the following language in the Federal reserve act:

SEC. 16. Federal reserve notes, to be issued at the discretion of the Federal Reserve Board for the purpose of making advances to Federal reserve banks through the Federal reserve agents. The said notes shall be obligations of the United States and shall be receivable by all national banks and member banks and Federal reserve banks and for all taxes, customs, and other public dues.

There was, on February 18, 1916, outstanding of these notes, $206,978,000. It may be increased to billions. The direct profit to the banks is not so great as the advantages it gives to the big stockholders and speculators who operate with them. It serves as an insurance to them in their game of fleecing the people, for in the event

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of their being caught in financial distress, their banks will pledge paper to get "Uncle Sam" to print money for the banks. Then the banks will not be forced to collect from the speculators. The speculators have scalped huge fortunes aggregating more than a billion dollars since the world war began. The people will hereafter be forced to pay dividends on those fortunes—"vested rights" we understand.

SPECIAL-PRIVILEGE REFUSAL NO. 5, TO FARMERS.

The farm corporations to be, are refused the privilege to take notes, paper, or security of any kind to the Government, even though they have the best, to get a single dollar issue of money from "Uncle Sam." The bank corporations may do that, but the proposed farm corporations are refused a like privilege.

OTHER SPECIAL PRIVILEGES.

It is unnecessary to list all the special favors the banks enjoy. They have a complete monopoly of financial affairs. It is not so much their wrong as it is the wrong of Congress in having granted the privilege to the banks.

Every considerable supply of money must, under existing conditions, come through the banks. This rural-credit bill deprives the banks of nothing; not even the exclusive monopoly they enjoy. The system proposed by the committee bill would be dependent upon the supply of money which the banks control, and consequently would be dependent upon the banks. The Government has no credit except that supported by the earning capacity of the people, and whatever draft is made upon it the people must pay. That is why the Federal reserve act is a crime. It supports the banks with the Government credit. The Government simply places in the control of the banks an agency by which they rob the people of their actual earnings. My purpose in calling attention to these facts is merely to show what "sop" it is now that is offered to the farmer in the hopes that the farmer will press further for his right.

BORROWER BORROWING FROM HIMSELF.

By a strange jugglery of proposed law, before any money can be had from the farm departments sought to be created by the bill it is expected that the farm borrower shall begin by supplying funds for himself, "lift himself by his own bootstraps," so to speak. Before he can borrow he must become a stockholder in a corporation where none but borrowers can. That corporation would issue stock to him, upon which he himself will collect from himself to pay for the stock and a dividend and send it to a head office, where they will take out the expenses of the corporation and credit the balance, if any, to him. If there should not be enough to pay expenses he will be called upon for an additional remittance. Whatever money the farmer is to get on his loan that he does not lend to himself will have to be gotten in the open market by bids, and it must come principally from funds in the banks.

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JOINT-STOCK COMPANIES.

The only effective provision in the bill is the adoption by the United States of the existing loaning companies and the exemption of them from taxation. That is a special privilege to them, and not to the farmer, and is the pet purpose of the bill. The joint-stock companies would do the business, not the farm cooperative companies. The farmer borrowers will be fleeced the same as heretofore. Now and then, some place, a temporary advantage might be had. The effect of passing this bill will be an indefinite postponement of a real honest credit system.

A COUNTER PROPOSAL.

I have not undertaken to draft such a bill as I feel certain would afford complete relief, because conditions here in Washington would prevent its acceptance at this time.. The country is engaged too deeply studying world conflicts to divert very much now, but this credit bill, if it was as it should be, would prevent wars arising out of commercial schemes. I have not interfered with the outline plan of machinery suggested by the majority of the committee, though I do not believe it practical; but I have offered in sections 3, 4, and 5 an entirely new system for securing funds independent of the banks. The other sections would be changed merely to adjust to the requirement of the three substitute sections.

There will be no satisfactory credit system as long as one industry alone seeks it. All the legitimate industries must join, and that is the purpose of the sections 3, 4, and 5 which I propose. They are the vital sections, especially section 4, while section 5 would be the guaranty that would give the assurance of impartial Government management.

I quote the three sections in the reverse order of their appearance in the bill:

CAPITAL STOCK OF FEDERAL COOPERATIVE BANKS.

SEC. 5. That every Federal cooperative bank shall have, and is by this act created with, an initial authorized capitalization of $500,000, which shall be subscribed, owned, and kept by the United States and paid in only as the business requires, to be determined by the Federal cooperative board. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required therefor.

Not a dollar of this capital would ever be required, but it forms a guaranty. The expense of organization is provided independent of that, and section 4 would supply the funds in abundance. The following is section 4:

FEDERAL COOPERATIVE BANKS.

SEC. 4. That in each Federal cooperative district there shall be a Federal cooperative bank located in the capital city of the State and it shall be named the Federal cooperative bank of whatever State the same may be located in.

That in each Federal cooperative district there may be established as many branch Federal cooperative banks as the demands of business justify, to be determined by the Federal cooperative board: *Provided*, That not more than one branch bank shall be established in any one town or city; that all branch

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banks shall be a branch of the Federal cooperative bank of whatever State the same is located in and become a part of the same system without additional capital.

Every Federal cooperative bank and all branches thereof shall be banks of deposit, where deposits may be made by any person in sums of 10 cents or more. All deposits belonging to the same person equaling $10 and not in excess of $10,000, when not subject to be checked out, shall draw interest at the rate of two and one-half per centum per annum, such interest to begin on the first day of the month following the date of deposit and be figured to the first day of the month of its withdrawal: *Provided*, That no interest shall be paid on any sums not having been on deposit for at least three full calendar months; said board shall establish rules for the notice required for withdrawal of time deposits by depositors, which rules may be waived whenever the funds on hand justify.

Checking accounts may be kept in all such banks, but shall draw no interest.

That such banks may make loans from the checking deposits with or without security: *Provided*, That the maturity for payment of all loans made from deposits subject to check shall not exceed six months, the policy to be for even shorter periods: *Provided further*, That renewals may be freely allowed when the safety of ultimate payment is not impaired.

The Federal cooperative board shall have a wide discretion, not inconsistent with the express terms hereof, in providing the detail rules for the government of the banks to be created under this section. It is the purpose to give the public every convenience that will establish a greater freedom of trade in the exchanges of commerce and at the lowest possible cost, provided that purely speculative enterprises shall be discouraged.

That a reserve shall be maintained on all deposits subject to check equal to twenty per centum thereof.

That a reserve shall be maintained on all other deposits equal to five per centum thereof.

That no new loans shall be made when the reserves fall below the legal requirement.

That each Federal cooperative district shall stand by itself in respect to profits and losses.

That there shall be kept such exchange accounts between the several Federal cooperative districts as the Federal cooperative board shall deem necessary to commercial exchanges.

That the net profits arising from the business of the respective banks and their branches to be created under this section shall be credited first to undivided profits.

Semiannually there shall be an accounting, and the undivided profit account shall be disposed of in the following manner:

First. Any poor, uncollectible paper shall be charged to said account, and a poor-paper account created.

Second. The Federal Government shall be credited with two and a half per centum on the paid capitalization: *Provided*, That no part thereof shall be withdrawn except as hereinafter in this act provided.

Third. There shall be credited to the Federal Government ten per centum of the balance: *Provided*, That no part thereof shall be withdrawn except as hereinafter in this act provided.

Fourth. The remaining balance shall be declared as a dividend to borrowers and depositors in the following proportions:

(*a*) One-half to the time depositors proportionately to the amount of their deposits, which shall be in addition to the two and one-half per centum in this section before provided for.

(*b*) One-half to the borrowers, to be applied in payment to them for indorsement upon unpaid notes in force during the earning period, in order to equalize and lower the rates of interest by application first upon those bearing the highest rates, bringing in those bearing lower rates when reached, and so on until the rate of interest shall be reduced to equal the lowest rates, and to reduce the rates on all if there is sufficient for that purpose, the principle of such application to continue to ultimately establish an economic and automatic system. That only notes and debts obligations running for three months or over shall be taken into account when computing these credits.

That whenever any bank, National or State, shall in due form elect to liquidate its business and seek to merge its business with a bank or branch bank created under the provisions of this act, the Federal cooperative board may take over the business of such National or State bank upon such terms as it

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may determine, and in such case shall close out the business of such National or State bank and distribute the funds as rapidly as practicable, and in the process of handling the same shall establish rules and regulations for the payment to the creditors of such banks and to the stockholders as their respective interests make proper and lawful. Until the business of such banks has been liquidated the banks created under this section shall act merely as trustee and shall receive such expenses from the funds of the liquidated banks as shall be determined by the Federal cooperative board to be fully necessary to pay the costs and additional labor required, and shall be as uniform as practicable for all like purposes.

Whenever the Government has a credit in any Federal cooperative bank derived from profits equal to one-half its capital investment in such Federal cooperative bank and there is no demand upon it for uncharged-off bad notes or paper, thereafter all the profits arising out of the further business shall become a part of the general funds of the Government and be carried into the Treasury of the United States; that at any time it becomes necessary to charge off bad notes or paper, the surplus account created from deposits shall again be made complete by the same rules under which it was originally created.

Wherever practical the different cooperative banks created under the provisions of this act shall aid and cooperate to secure the best results without either becoming liable for the acts of the other.

Each Federal cooperative bank shall be managed by the member of the Federal cooperative board from that Federal cooperative district, who shall be president and the presiding officer of said board, and three directors appointed by the Federal cooperative board. Said directors shall be citizens of the United States and residents of the district and shall each give a surety bond, the premium on which shall be paid by the banks. They shall choose from their number, by majority vote, a vice president, secretary, and treasurer. They are further authorized to employ such attorneys, experts, assistants, clerks, laborers, and other employees as they may deem necessary, subject to the approval of the Federal cooperative board.

Such directors shall, under their hands, forthwith make an organization certificate, which shall specifically state—

First. The name of the bank.

Second. The district within which its operations are to be carried on, the names of its first directors and officers, and the particular city in which its principal office is located.

Third. The amount of the capital stock.

Fourth. The fact that the certificate is made to enable such persons to put into operation the provisions of this act applicable thereto.

The organization certificate shall be acknowledged before a judge or clerk of some court of record or notary public, and shall be, together with the acknowledgment thereof, transmitted to the Federal cooperative board commissioner, who shall record and carefully preserve the same in his office, and a certified copy thereof shall be filed in the office of each of the members of said board, in all of which it shall at all times be open to public inspection.

The Federal cooperative board is authorized to direct such changes in or additions to any such organization certificate as it deems expedient.

Upon duly making and filing such organization certificate the bank shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in the organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until it is dissolved by act of Congress or under the provisions of this act.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect or appoint a vice president, appoint a secretary and a treasurer and other officers and employees, define their duties, subject to the ratification of the Federal cooperative board, require bonds of them and fix the penalty thereof; by action of its board of directors dismiss such officers and employees, or any of them, at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, subject to the supervision and regulation of the Federal cooperative board, by-laws not inconsistent with law, regulating the manner of conducting its general business and the privileges granted to it by law exercised and enjoyed.

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Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

The Federal cooperatitve board shall designate one of the district directors to serve for three years. It shall designate one of said directors to serve for a term of two years and one to serve for a term of one year. After the first appointments each director shall be appointed for a term of three years.

Directors of Federal cooperative banks shall have been for at least two years residents of the district for which they are appointed or elected, and at least one district director shall be experienced in practical farming and actually engaged at the time of his appointment in farming operations within the district. No director of a Federal cooperative bank shall act as an officer, director, or employee of any other bank.

That when not otherwise provided in this act such banks may be governed by the usual methods now practiced by the banks of the country, except that no interest in excess of five per centum shall be charged, and loans shall be made most freely to borrowers of small amounts where they have outstanding indebtedness with interest charges thereon in excess of five per centum, provided the safety of payment is satisfactory.

The funds collected into the banks under the provisions of section 4 would create an entire new condition among the people. They would control their own capital, apply the means to run their own industries and business, and be independent of the trusts—especially the Money Trust.

Section 3 is merely the machinery of organization. It is as follows:

FEDERAL COOPERATIVE BOARD.

SEC. 3. There shall be established a United States cooperative investment and loan board, for brevity to be called the Federal cooperative board, which shall be charged with the execution of this act and all acts amendatory thereof.

The Federal cooperative board shall consist of one member from each of the States and, in addition, one member at large who shall be the Federal cooperative board commissioner, and be appointed for a term of eight years and act as chairman and executive officer thereof, and whose office shall be at Chicago, in the State of Illinois; that each of the other members of said board shall have an office in the Federal building in the capital of their respective States; that the Federal cooperative board shall hold meetings in the said city of Chicago annually, and hold special meetings if emergency arises, of which notice shall be given by the executive officer. All members of the Federal cooperative board shall be appointed by the President of the United States, by and with the advice and consent of the Senate. It shall be the policy to make said board nonpartisan. The members shall be citizens of the United States and shall devote their entire time to their official business, and shall hold no other office, State or Federal, and shall each receive an annual salary of $6,000, payable monthly, together with actual necessary traveling expenses.

One quarter of the members of the Federal cooperative board shall be designated by the President to serve for two years; one quarter for four years; one quarter for six years; and one quarter for eight years. In the event that any new State shall be created, the first appointment shall be for two years. After the said members have all been appointed and have qualified, all appointments thereafter shall be made for eight years, except when to fill vacancies, in which case the appointment shall be made to fill the unexpired term. Any and all members shall be subject to removal by the President for cause. Each of the said members shall, within fifteen days after notice of his appointment, take and subscribe to the oath of office.

The first meeting of the Federal cooperative board shall be held in Washington, District of Columbia, as soon as may be after its appointment, at a date and place to be fixed by the chairman of said board.

No member of the Federal cooperative board shall at the same time be an officer or director of or own any stock in any institution, association, or partnership engaged in banking or the loaning business. Before entering upon his duties as a member of said Federal cooperative board each member shall certify under oath to the President that he is eligible under this section.

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Each State shall constitute a Federal cooperative district, and the members of the Federal cooperative board from their respective States, by and with the consent of the Federal cooperative board, shall appoint one farm-loan registrar and one urban-loan registrar in his respective State, the farm registrar to receive applications for issues of farm-loan bonds and the urban registrar to receive applications for issues of urban-loan bonds, and each to perform such other services as prescribed by this act. In the same manner there shall be appointed one or more property appraisers for each district and as many special appraisers as it shall deem necessary. All registrars and special appraisers appointed under this section shall be public officials and shall have no connection with or interest in any other institution, association, or partnership engaged in the banking or loaning business.

The salaries and expenses of the Federal cooperative board and of all registrars and special appraisers authorized under this section shall be paid out of any money in the Treasury of the United States not otherwise appropriated. The salaries of all officials and persons employed in carrying out any of the provisions of this act not expressly fixed by the act shall be fixed by the Federal cooperative board, and, except when otherwise expressly provided by this act, shall be paid from the funds in the accounts in the respective divisions in which they render their services.

The accounts of the farm-loan division and of the urban-loan division shall be kept separately.

The Federal cooperative board is authorized and empowered to employ, under civil-service rules, such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board.

Every Federal cooperative bank and all banks and loaning agencies created under the provisions of this act shall semiannually submit to the Federal cooperative board a schedule showing the salaries or rates of compensation paid to its officers and employees, and said board shall have power to disapprove such schedule or any item in it and to alter any or all salaries therein shown.

The Federal Reserve Board shall from time to time require examination and report conditions of all associations and banks established under the provisions of this act, and shall publish consolidated statements thereof. It shall cause to be made appraisals of farm lands and urban homes as provided by this act, and shall prepare and publish amortization tables, which shall be used by associations and banks under its supervision.

Sections 3, 4, and 5 are fundamentally different than the majority-report bill. To adopt them would require rearrangement in the working and phrasing of the bill in other parts. If these three sections were placed in the bill they would give relief, not only to the farm borrower, but to all borrowers.

The other sections of the bill provide for farm and urban loans at the lowest rates of interest. The bill provides for personal credit as effectively as any can.

FEDERAL RESERVE ACT.

When the big banks sought special legislation for themselves they adroitly built up and officered their own so-called "citizens leagues" and had them make a demand upon Congress to make it appear that it was a public demand for banking reform. They followed the same stealthy system that the "armament" people are now following. That was not all that the big banks did. They also created a panic in order to excite the people so they would demand immediate banking reform, which, of course, the big banks were prepared to fix for their own special benefit. As a part of the same scheme, and to further safeguard themselves in securing exactly what they wanted, they trained their own bank experts and adroitly managed to get the Government to employ them to help fix up the bill and administer

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it after it became a law. By planning the whole scheme along their own lines far in advance, the big banks secured exactly what they wanted.

THE FIRST CALL.

The movement for rural credits originated with the American Bankers Association and was given expression through the Rockefeller Foundation. The farmers did not then listen to its offers, so in the beginning the attempt was a failure, but these powers were not to be daunted. They carefully selected their agents to cry "rural credits" from the housetops and concealed the source of their employment. Then the farmers listened, and it became the main topic of discussion in farmers' meetings and by farm papers. Many of the farm papers are sound, but a few have been started by the special interests with the main purpose to fool the farmers if they can. Demagogue politicians sniffed in the wind a demand for rural credits, and everybody began to boost.

THE EFFECT OF THIS BOOSTING.

Since everybody boosted rural credits, the farmer thought he would not be put to the trouble of framing the bill in order that it might give him a real substantial benefit, such as he really is entitled to. Because of that condition the farmers, as a whole, thought they could let it take care of itself. That was exactly what the American Bankers Association had considered the farmers would do. That is the reason why we have this so-called rural credit bill before us. It gives the farmers nothing of value, but if it becomes a law will have the effect of delaying. Thus the bankers will continue in complete control if the majority report is accepted.

CHARLES A. LINDBERGH.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 634.

HOMESTEAD ENTRYMEN WITHIN THE GLACIER NATIONAL PARK.

MAY 3, 1916.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STOUT, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 1741.]

The Committee on the Public Lands, to which was referred the bill (S. 1741) for the relief of certain entrymen for lands within the limits of the Glacier National Park, having had same under consideration, begs leave to report it back to the House with the recommendation that the bill do pass.

The bill was referred to the Department of the Interior by the Committee on Public Lands of the Senate, and the Secretary of that department furnished the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1916.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of a letter from your committee, dated December 17, 1915, inclosing a draft of Senate bill 1741, for the relief of certain homestead entrymen for land within the limits of the Glacier National Park.

In response, I have to call your attention to S. 4320, introduced in the third session of the Sixty-third Congress, and also to H. R. 13325, submitted by Hon. Scott Ferris in the second session of the Sixty-third Congress. Both of these bills are identical with S. 1741. Reference is also made to departmental letter of March 3, 1914, addressed to you, relative to said S. 4320.

The relief proposed appears proper, and this department knows of no reason why S. 1741 should not be enacted into law.

Cordially, yours,

FRANKLIN K. LANE.

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This bill is identical with S. 4320, of the Sixty-third Congress, favorably reported to the Senate, and upon which the department submitted the following favorable report:

DEPARTMENT OF THE INTERIOR,
Washington, March 3, 1914.

Hon. HENRY L. MYERS,
Chairman Committee on Public Lands,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The department is in receipt of your reference of February 4, 1914, transmitting for report S. 4320, entitled "A bill for the relief of certain homestead entrymen for lands within the limits of the Glacier National Park."

In response I inclose a copy of a report from the Commissioner of the General Land Office dated February 27, 1914, relative to this subject, and also a copy of a report from said officer of the same date relative to H. R. 13325, which is identical with S. 4320.

The reports above mentioned seem to fully cover the subject, and this department knows of no reason why S. 4320 should not be enacted into law.

Cordially, yours,

ADOLPH C. MILLER,
Assistant to the Secretary.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, February 27, 1914.

The SECRETARY OF THE INTERIOR.

SIR: In reply to your letter of February 7, calling for a report in the matter of Senate bill No. 4320, a copy of which was received with your letter, proposing to afford relief for certain homestead entrymen within the limits of Glacier National Park, Mont., I have the honor to state that the persons named in the said bill appear to be the only ones for whom such relief is necessary.

The entries in question were allowed under the act of June 11, 1906 (34 Stat., 233), subsequently to the date of the act creating said national park, May 11, 1910 (36 Stat., 354), such entries being based, however, upon listings made by the Department of Agriculture prior to the date of such act. The names of Daniel C. Doverspike, Pat Doyle, and Ernest R. Henthorn are properly included in the bill, their entries being in the same status as those of the other entrymen named therein.

Further legislation appearing necessary to obtaining patent for the lands in question, I have the honor to report that the bill appears proper as written. No recommendations as to any changes therein are therefore made.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, February 27, 1914.

The SECRETARY OF THE INTERIOR.

SIR: February 16, 1914, you referred to this office for report to you House bill 13325, introduced by Hon. Scott Ferris, proposing relief for certain homestead entrymen within the limits of Glacier National Park, Mont., the entries in question having been allowed subsequently to the passage of the act of May 11, 1910 (36 Stat., 354), creating the said Glacier National Park, but based upon listings under the act of June 11, 1906 (34 Stat., 233), submitted by the Department of Agriculture prior to the creation of the said national park.

The entrymen named in the said bill appear to possess equities which should be protected, and it appearing that the Land Department is without statutory authority to allow the entries to proceed to patent, I have the honor to recommend that a favorable report be made thereon. There are numerous other entrymen within the park limits under the act of June 11, 1906, whose entries were allowed prior to the date of the said act of May 11, 1910, and no further legislation appears necessary to the completion of their claims and to the issuance of valid patents for the lands involved. I know of no other names which should appear in such a bill.

Attention is respectfully called, in connection herewith, to Senate bill No. 4320 similar to the one above referred to.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

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The following letter from the department sets forth in detail the circumstances in connection with the entry of Walter E. Barricklow, which your committee believes should be included with the legislation contemplated by this bill:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, February 17, 1916.

Hon. H. L. MYERS,
United States Senate.

MY DEAR SENATOR: I have the honor to acknowledge receipt of your letter of Febrauary 11, 1916, relative to homestead entry 02266, Kalispell series, made by Walter E. Barricklow on August 10, 1910, under the act of June 11, 1906 (34 Stat., 233), for lot 14, sec. 30: lot 1, sec. 31: the NW. ¼ NW. ¼, the W. ½ NE. ¼ NW. ¼, and that portion of lot 1 not included in list 1-65, sec. 32, T. 36 N., R. 21 W., M. M.

The records show that the tract so entered was listed (list 1-175) by the Department of Agriculture January 17, 1910, upon the application of W. E. Barricklow, but the tract so listed was not restored to entry until after the passage of the act of May 11, 1910 (36 Stat., 354), creating Glacier National Park.

The records show that the tract covered by said entry and by said list 1-175 was declared open to entry under the said act of 1906 by departmental order of May 25, 1910. August 11, 1910, was the date set for opening, the applicant having been allowed 60 days prior to said date of restoration within which to place his application of record.

You inclosed with your letter a copy of Senate bill 1741, proposing relief for Howard E. Jones and six others, upon whose applications certain lands within Glacier Nation Park were listed prior to the creation thereof, but which were not restored to entry until after May 11, 1910. The circumstances in the case of Walter E. Barricklow are similar to those in the cases referred to in said S. 1741, and he appears entitled to the same consideration. The said bill refers to "an order issued by the Secretary of the Interior on May 21, 1910." The order of restoration of the tract covered by Mr. Barricklow's entry was, as hereinbefore stated, dated May 25, 1910.

Very respectfully,

C. M. BRUCE,
Assistant Commissioner.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 637.

BRIDGE ACROSS THE MISSOURI RIVER IN MONTANA.

MAY 5, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 14534.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 14534) permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the consent of Congress is hereby granted to the Missouri River Transportation Company and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation, from the north bank thereof in the county of Sheridan, State of Montana, to the south bank thereof in the county of Richland, State of Montana, all in section twenty-three, township twenty-seven, range fifty east, Montana principal meridian, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title to read:

A bill granting the consent of Congress to the Missouri River Transportation Company and its successors and assigns, to construct, maintain, and operate a bridge and approaches across the Missouri River.

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WAR DEPARTMENT, *April 29, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that House bill No. 14534, current session of Congress, "Permitting the Missouri River Transportation Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana," is in the usual form adopted by Congress for such measures, and with slight amendment, which has been indicated thereon, will amply provide for the protection of the interests committed to the War Department. So far as those interests are concerned, I know of no objection to the favorable consideration of the bill by Congress.

NEWTON D. BAKER,
Secretary of War.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 638.

BRIDGE ACROSS THE GRAND CALUMET RIVER IN INDIANA.

MAY 5, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 15006.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 15006) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Page 1, line 3, after the word "That" insert the words "the consent of Congress is hereby granted to."

Page 1, line 4, strike out the words "be and they are hereby, authorized" and insert in lieu thereof the words "and their successors and assigns."

Page 1, line 5, strike out the word "public."

Page 1, line 6, after the word "point" insert the words "suitable to the interests of navigation."

Amend the title so as to read "Granting the consent of Congress to the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana."

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WAR DEPARTMENT, *May 3, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers reports that H. R. 15006, Sixty-fourth Congress, first session, to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calument River at Hammond, Ind., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 639.

BRIDGE ACROSS THE GRAND CALUMET RIVER, IN INDIANA.

MAY 5, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 15007.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 15007) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, in the State of Indiana, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Page 1, line 3, after the word "That," insert the words "the consent of Congress is hereby granted to."

Page 1, line 4, strike out the words "be, and are hereby, authorized" and insert in lieu thereof the words "and their successors and assigns."

Page 1, line 5, strike out the word "public."

Page 1, line 6, after the word "point," insert the words "suitable to the interests of navigation."

Page 1, line 7, strike out the word "Kline" and insert in lieu thereof the word "Cline."

Amend the title so as to read: "Granting the consent of Congress to the board of commissioners of Lake County, Indiana, to construct a bridge across the Grand Calumet River, in the State of Indiana."

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WAR DEPARTMENT, *May 3, 1916.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

The Chief of Engineers report that H. R. 15007, Sixty-fourth Congress, first session, to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Grand Calumet River, at East Chicago, Ind., makes ample provision for the protection of the interests committed to the War Department, and I know of no objection to the favorable consideration of the bill by Congress so far as those interests are concerned.

The word "Kline," in line 7, should be "Cline."

JOHN C. SCOFIELD,
Assistant and Chief Clerk.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 640.

COPYRIGHT LAW.

MAY 5, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. OGLESBY, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 13981.]

The Committee on Patents, to whom was referred House bill 13981, respectfully report that they have had the same under consideration and recommend that the bill be amended and that the bill as amended do pass.

Amendment No. 1: In line 4 of page 2 of the printed bill change "numbered" to "number."

Amendment No. 2: In line 6 of page 2 insert the word "hundred" in the date, so that this last shall read "August twenty-fourth, nineteen hundred and twelve."

Amendment No. 3: In line 8 on page 2, in the phrase reading "such deposit and registration shall hereafter be held to be sufficient for all purposes," strike out the words "for all purposes," so that the phrase shall read, "such deposit and registration shall hereafter be held to be sufficient."

It is the intention in the bill to make such deposit and registration as it provides for a sufficient compliance with the requirements of the law as to deposit and registration, but not to go beyond that to validate an otherwise possibly defective claim.

The bill proposes to amend section 12 of the copyright act of March 4, 1909, by adding thereto the following:

Provided, however, That in the case of any work referred to in this section wherein copyright has been secured by publication of the work with notice of copyright, which by reason of its character, bulk, fragility, or because of dangerous ingredients can not expediently be filed, the register of copyrights may determine that there shall be deposited, in lieu of two complete copies of such work, such identifying photographs or prints, together with such written or printed descriptions of the work as he shall find sufficient to identify it: *And provided further,* That in the case of motion-picture photoplays and motion pictures other than photoplays, whenever deposit has been made as required by the provisions of the act of Congress (Public, Number Three hundred and three) approved August twenty-fourth, nineteen hundred and twelve, and registration has been secured thereunder, such deposit and registration shall hereafter be held to be sufficient, and shall exempt the copyright proprietor from the deposit of two complete copies of such photoplay or motion picture if it is later reproduced in copies for sale, and the provisions of the amendatory act of August twenty-fourth, nineteen hundred and twelve, are hereby made to apply to motion-picture photoplays and motion pictures other than photoplays that have been reproduced in copies for sale or otherwise published.

Among the classes of works enumerated in section 5 of the copyright act which may have secured copyright by publication of the

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work with the prescribed notice of copyright, as provided in section 9 of the act, there are a few works which are of such character that they are not desired by the Library of Congress, or of which because of their bulk, or because they are fragile or contain dangerous (inflammatory) ingredients, it is not expedient that actual copies should be filed. It is proposed that in lieu of two copies of such works the register of copyrights shall determine that there shall be deposited such identifying photographs or prints, together with such written or printed descriptions of the work, as he shall find sufficient in each case to identify it. Examples of the classes of works which will be affected by the proposed act are commercial, theatrical, circus, or other large pictorial posters; casts of busts, statuettes, or other similar articles; relief maps; motion pictures, etc.

In the case of motion pictures the act provides that deposit and registration under the provisions of the act of Congress (Public, No. 303) shall be sufficient whether such motion pictures may have been reproduced in copies for sale or otherwise published, and that the copyright proprietor of the motion picture shall be exempt from the deposit for two complete copies (i. e., two complete reels) of such motion picture if it has been reproduced in copies for sale.

Motion pictures were declared subject matter of copyright by the act of August 24, 1912. Registration of copyright in motion pictures was provided for in section 11 of the copyright act as amended, upon the deposit of title and description, and of the specified prints taken from the different sections or from each scene or act, respectively, depending upon whether the motion picture is a photo play or otherwise. The registration under section 11, however, was for works not reproduced for sale, and the concluding sentence of that section further provided that "the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 12 and 13 of this act, where the work is later reproduced in copies for sale." Section 12 requires that after copyright has been secured by publication of the work (i. e., sale or public distribution) two complete copies of the best edition of the work must be promptly deposited after such publication. In view of the proviso in section 11, and the requirement of the deposit of two complete copies in section 12, motion-picture proprietors have felt obliged to make deposit of two complete reels in the case of all motion pictures which have been reproduced in copies for sale (i. e., published). This has imposed a burdensome obligation upon such proprietors which was not intended. The complete reels are expensive, sometimes very expensive, and they are practically of no greater value for the indentification of the motion picture in which copyright is claimed than the selected prints together with the title and description required by section 11 to be deposited in the case of a motion picture. The deposit of the complete reels is of no service to the Copyright Office, and these articles are of no value to the Library of Congress, and by reason of their inflammable character are dangerous. Such deposit also imposes an added burden upon the Copyright Office to no purpose. Motion-picture manufacturers have expressed approval of the purpose and the language of the bill. It is the opinion of the committee that it should become law.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 641.

BOTANIC GARDEN.

MAY 5, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SLAYDEN, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. R. 15313.]

The Committee on the Library having had under consideration H. R. 15313, a bill providing for the removal of the Botanic Garden to Rock Creek Park and for its transfer to the control of the Department of Agriculture, report the same back with the following amendment and recommend its passage:

After the word "Library" in line 8, section 3, page 2 of the bill, insert a comma and these words: "the Secretary of Agriculture."

In view of the fact that the time has come when the removal of the Botanic Garden can not be much longer delayed, your committee think it proper to submit for the information of the House a brief résumé of the history of the garden.

It is the outgrowth of the Wilkes Exploring Expedition of 1838–1842. In the naval appropriation act of May 14, 1836 (5 Stats., 29), the President was authorized to send out a surveying and exploring expedition to the Pacific and South Seas in Government vessels, and for that purpose an appropriation of $100,000 was made.

The expedition, consisting of six Government ships, under command of Lieut. Charles Wilkes, United States Navy, sailed from Hampton Roads August 18, 1838. It was accompanied by a horticulturist and botanist, Mr. W. D. Brackenridge. The expedition returned to New York in June, 1842, and brought a large collection of natural-history specimens.

Pending a more suitable provision for the care of these specimens, it was provided by an act of Congress passed in 1842 that they should be deposited and arranged in a room of the Patent Office and under the general supervision and direction of the Joint Committee on the Library.

Little by little, and with appropriations that appear very meager indeed, the Botanic Garden was gradually established. Most of the legislation touching the control and direction of the Botanic Garden has been through paragraphs in appropriation bills.

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In 1850 provision was made for the transfer of the plants, etc., to a suitable place for their preservation and cultivation, and in that year the garden was placed in its present site.

For a number of years the direction of the garden was by Mr. Breckenridge, referred to above, and it was not until 1854 that we first run across the name of Mr. William R. Smith, who subsequently and for so long a time was associated with it.

It has long been recognized by everyone who has given any attention to the Botanic Garden that in its present site it was restricted and could not possibly develop into anything important or be of much practical value to the country.

The Grant Monument will soon be completed and the present site of the garden will be needed to carry out the landscape design in connection with it and for the opening of the vista to the Washington Monument and the new Lincoln Memorial. The order for the removal of the fence was first made in 1899, but its execution was prevented largely, at least it is understood, through the influence of the late William R. Smith. In 1911 the sundry civil act made an order for the removal of the fence and appropriated the sum of $2,500 to meet charges incident to its removal. Again the removal act was not carried out because no provision has been made for the removal of plants and shrubs, and the superintendent protested that to take away the fence would, under the circumstances, be to invite depredation. The provision of the sundry civil act for the removal of the fence has been continued from time to time and was specifically continued until the end of the current fiscal year by which time it is hoped that a new home for the Botanic Garden will have been found. Before the removal of the fence some provision should be made for transferring these valuable plants and shrubs and to avoid the expense of more than one removal they should be taken to the permanent home of the Botanic Garden. This removal ought not to be delayed much longer.

The bill which your committee recommends proposes a transfer to some place in Rock Creek Park, to be agreed on by a committee consisting of the chairman of the Senate and House Committees on the Library, respectively, the Secretary of Agriculture, and the Engineer Commissioner of the District of Columbia. By putting the garden in Rock Creek Park it will not be necessary to buy land. There are, also, advantages of a technical nature in that location which are clearly set out in the letter from B. T. Galloway, at one time Acting Secretary of Agriculture, which is made part of this report.

Some objection has been made to the removal to Rock Creek Park on the ground that it will be too far from the center of population of the city of Washington.

In that connection it should be remembered that we are presumed to be legislating for centuries, if not for all time.

Rock Creek Park may appear remote now, but if Washington continues to grow for the next hundred years as it has since the Capital was established on the Potomac, or even to approximate that growth, the situs suggested by your committee will be as convenient as any that could be chosen.

A botanic garden and arboretum necessarily require a large area. The great botanic gardens of Europe and Asia occupy hundreds of acres, and certainly the United States, if they are to have one at all,

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should not skimp in the matter of area, particularly in view of the fact that it can be had without an appropriation. An adequate area can not be had on or near the principal streets of the Capital City.

Another objection to the proposed removal to Rock Creek Park that members of your committee have met has been the apprehension on the part of some people that it would impair the great natural beauty of the park. Your committee feel that this is a groundless apprehension, and no member of the committee would have favored the removal if there had been any probability that this impairment would occur. The Committee on the Library were slow to reach the conclusion that it was the proper place to establish the garden, and in the course of their investigations consulted botanists, foresters, and landscape gardeners, nearly all of whom believe that nowhere else in the District of Columbia could there have been found a site so suitable. It is believed by scientists that a properly conducted botanic garden will be of great economic value and that it will more than justify its cost and upkeep in the help it will give in spreading a general knowledge of flowers, trees, and shrubs for decorative, medical, scientific, and educational purposes.

DEPARTMENT OF AGRICULTURE,
Washington, February 13, 1914.

Hon. JAMES L. SLAYDEN,
House of Representatives.

DEAR MR. SLAYDEN: I beg to acknowledge receipt of your letter of recent date, and note your desire for a report on H. R. 12796, providing for the removal of the Botanic Garden to Rock Creek Park and for its transfer to the control of the Department of Agriculture. I also note your desire for a statement as to what may be done in the way of developing the aboretum and garden if the transfer as provided in the bill is effected.

Commenting on the bill, I have only one change to suggest, namely, on page 2, section 3, line 9, after the word "Library" add "the Secretary of Agriculture," so that the section will read:

"SEC. 3. That the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library, the Secretary of Agriculture, and the engineer commissioner of the District of Columbia shall select and cause to be surveyed, etc."

If the Secretary of Agriculture is to administer the work of the arboretum and garden, it would seem proper that he should have a voice in the selection of the site. As I understand the bill, it provides for the transfer of the garden to the Department of Agriculture, the selection of a site in Rock Creek Park, and its removal to Rock Creek Park. As the current funds for the maintenance of the garden are practically exhausted, provision for the cost of transfer of the arboretum and garden and the maintenance of the same in the future will have to be provided in some other appropriation bill.

With regard to an opinion as to what may be done by the department for the development of the arboretum and garden if transferred to the department, I beg to say that this matter has received careful consideration on the part of a number of our experts. Rock Creek Park offers a peculiarly suitable location for a national arboretum and botanical garden, in that it has a variety of soils and exposures which are essential for the proper cultivation of a wide variety of plant species, and already contains a remarkable collection of native trees and shrubs. We would not for a moment consider any work in Rock Creek Park which would tend to destroy its natural beauty. On the contrary, our object would be to enhance the beauty of the park through the gradual accumulation of collections of plants in such way that they would serve a useful purpose to the whole country, as well as enhancing the beauty of the local surroundings. One of the chief uses of the arboretum and garden would be to maintain a collection of the wild relatives of our principal cultivated plants. It is coming to be recognized that many of the most important of our cultivated plants are hybrids of two or more wild species. There is a very important field, therefore, in the development of new types through breeding, including fruits, ornamental

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plants, and forest trees. Most of our cultivated plants are of European origin and are only imperfectly adapted to the more severe continental climate of the United States. It is often necessary to breed new races which are better fitted to our climatic conditions, and this is accomplished in many cases by hybridizing the forms we now grow with others more desirable from eastern Asia or regions having similar climatic conditions.

It is only until very recently that the importance of this work has been understood, hence nearly all of the Old World botanical gardens are not provided with material for the work in question. It can no longer be doubted in America that the time has for a thorough study and rational utilization of the wild relatives of our cultivated crop plants in the way outlined above. This requires the maintaining of collections of such plants where they can be grown to maturity and flower freely in order to provide the necessary material for use by the plant breeder. Collections of these wild relatives of cultivated plants would have great popular interest, appealing not only to the esthetic sense of the visitor but also stimulating in him an interest in the botanical and agricultural possibilities of these plants. We believe such collections might be made very beautiful and would furnich material such as no plant breeders now possess for the improvement of some of our principal agricultural industries.

A wide interest is developing in this country in such trees and shrubs as are particularly adapted for use in and around cities, and such collections could not fail to be of value to all those interested in this feature of the beautification of the cities, their suburbs, and outlying roadways. At the present time no collection of any importance of trees and shrubs suitable for these purposes is maintained south of New York.

As the department is already provided with many experts capable of aiding in the development of the arboretum and garden along the lines indicated, the expense for future developemnt would not be great. We believe that for the next 8 or 10 years it would not be necessary to increase the existing appropriation for the Botanic Garden, which I understand now amounts to approximately $30,000 annually.

Trusting that I have answered your questions satisfactorily, I am,

Sincerely, yours,

B. T. Galloway, *Acting Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 641. PART 2.

REMOVAL OF BOTANIC GARDEN.

MAY 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CLARK of Florida, from the Committee on the Library, submitted the following

MINORITY VIEWS.

[To accompany H. R. 15313.]

The bill H. R. 15313, to provide for the removal of the Botanic Garden to Rock Creek Park, and for its transfer to the control of the Department of Agriculture, was introduced by Mr. Slayden, chairman of the Committee on the Library, on the 3d day of May, 1916, and on the same day referred to the Committee on the Library, which committee is composed of only five members. There has been no hearing of any character upon this bill, but at a meeting of the committee on the 5th day of May, 1916, just two days after its introduction, when only three members of the committee—a bare quorum—were present, the bill was called up and reported out, the vote being two for reporting the bill and one against reporting it.

It seems to me that so radical a change with relation to so important a governmental institution as is the Botanic Garden should not be made without some sort of hearing or consideration. As stated above, the House Committee on the Library is composed of five members, and as one member of that committee, I had not even had the opportunity to read and consider the bill at all when it was reported out on the affirmative votes of two of the five members of the committee.

It has for some time past been conceded that the Botanic Garden needed more room, and in a general way the matter has been discussed in casual conversation between Members of Congress and others, but the proposition took no tangible form until some weeks ago when at a meeting of the Joint Committee on the Library it was agreed that the chairman of the Senate Committee on the Library should appoint a subcommittee and the chairman of the House Committee on the Library should appoint a like subcommittee and that these two should unite and thus form a special subcommittee of the

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joint committee, whose duty it should be to investigate the whole subject and make a report to the joint committee with recommendations as to the course to be pursued with reference to the Botanic Garden. My information is that the chairmen of the two committees have made the appointments, but that the subcommittee of the joint committee has not as yet submitted its report.

I respectfully submit that the bill H. R. 15313 should not pass or be considered by the House until we can have the information which this special subcommittee will undoubtedly in due season submit to the Joint Committee on the Library. It occurs to me that to act upon this bill now would not be treating one of the committees of a coordinate branch of the Congress with proper courtesy.

I unhesitatingly agree that the Botanic Garden is cramped and badly in need of more space. I do not, however, concur in the opinion that we need several hundred acres of land for a botanic garden, and especially would I object to entering upon so tremendous and expensive an undertaking at this time when every dollar of our revenues are needed for absolute governmental necessities. Immediately to the west of the Botanic Garden are two large squares which belong to the United States and which could with practically no expense be added to the present Botanic Garden, thus giving us ample land for botanic garden purposes for very many years.

To remove the Botanic Garden to Rock Creek Park means the loss of many thousands of dollars to the people on account of the destruction of buildings, fountains, trees, plants, etc., which can not be successfully removed; it means to place this institution where residents and visitors who do not own automobiles can not enjoy it; it means to deprive school children of its beauties and benefits, and it means to start this Government in a colossal scheme of attempting to excel the Kew Gardens in magnificence and extent which will eventually extract an annual tribute of millions from an already overtaxed people.

Whether the Botanic Garden is or is not removed from its present place, I am unalterably opposed to placing it under the control of the Department of Agriculture. I am opposed to this because that department now has all that it can possibly attend to, and for the further reason that this is about the last governmental activity over which Congress has retained control. We have turned over everything to the bureaucrats except this garden, and as it is now fulfilling its mission so admirably, it occurs to me that we had best leave it as it is—in the hands of Congress.

The majority report states that "a botanic garden and arboretum necessarily require a large area." This is true if a botanic garden and arboretum are to be joined in one, but they are totally distinct and no good reason can be given for joining them together at one place and under one management. Rock Creek Park would be a very appropriate place for the location of an arboretum, but the Botanic Garden proper should be preserved where it is, enlarged as suggested herein and made a perfect beauty spot in the very heart of the city of Washington and in the shadow of the dome of the Capitol. Trees planted or set out by Crittenden, Lincoln, and many of the great men of the past adorn these grounds, and I respectfully submit that they should be allowed to stand and be tenderly cared for by a grateful

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people who will ever cherish the memories of these departed statesmen.

Again, the majority report states that the Committee on the Library "in the course of their investigations consulted botanists, foresters, and landscape gardeners, nearly all of whom believe that nowhere else in the District of Columbia could there have been found a site so suitable."

This is a remarkable statement in view of the fact that the bill was introduced on May 3, 1916, and reported out of the committee on May 5, 1916. It may be that the chairman "consulted botanists, foresters, and landscape gardeners," but the committee itself never "consulted" a single one of these people. It may be claimed that while the present committee had no hearings and made no investigations that the same bill was pending in the Sixty-third Congress and that the committee in that Congress did make investigations. If this claim should be made, it occurs to me that an all-sufficient answer to it will be the statement that the chairman of the present committee is the only one of its members who was a member of the Committee on the Library in the Sixty-third Congress.

Respectfully submitted.

FRANK CLARK.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 642.

UNCOMPAHGRE INDIAN RESERVATION, UTAH.

MAY 5, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MAYS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 43.]

The Committee on the Public Lands, to which was referred the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes, having had the same under consideration, beg leave to report it back to the House with an amendment in the form of a substitute, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue to any citizen of the United States a limited license or permit granting the right to prospect for, mine, and dispose of gilsonite, asphaltum, elaterite, or other like substances belonging to the United States on specific tracts of lands within the former Uncompahgre Indian Reservation, in the State of Utah. No such license or permit shall be issued to any person for more than twenty acres of land for a period of not exceeding ten years, and shall also be upon such conditions as in the opinion of the said Secretary will safeguard the public interest. No payment of royalty shall be required from the licensees or permittees. No license or permit or any interest therein shall be assigned without the written consent of the Secretary of the Interior: *Provided*, That in issuing such licenses or permits preference shall be given to citizens who are actual residents of the counties within which such lands are situated.

As thus amended the committee recommends that the bill be concurred in.

The bill in its original form was favorably reported upon by the Department of the Interior, which may be found in the report of the Committee on Public Lands of the Senate upon the bill. The committee, however, desiring further information with reference to the minerals referred to in the bill, requested a report of the Director of

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the Geological Survey, and in response thereto, upon April 21, the following communication was sent to the chairman:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
OFFICE OF THE DIRECTOR,
Washington, April 21, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: In response to your request I take pleasure in sending herewith the substance of my letter of December 12, 1914, regarding the gilsonite-bearing lands in the former Uncompahgre-Ute Indian Reservation. This letter was addressed to the Commissioner of the General Land Office.

The situation was therein stated to be as follows:

The act of Congress of June, 1897, providing for the opening of the Uncompahgre-Ute Indian Reservation, withheld from disposal all lands containing gilsonite and similar heavy hydrocarbons. The act of Congress of March 3, 1903, provided for the perfecting of patent of mining claims for these minerals initiated prior to January 1, 1891, and also provided for the sale in 40-acre tracts of such unappropriated mineral lands as might be in even numbered sections. A portion of the mineral land in this reservation has therefore been patented as mining claims and a portion, all in even numbered sections, has been sold in 40-acre tracts, the remainder being now reserved. Of the reserved and unappropriated mineral land, that part in even numbered sections seemingly can now be disposed of by the department under the provisions of the act of March 3, 1903.

Accompanying this letter is a map of a portion of Utah, showing the outline of the Uncompahgre Reservation, and within it the outcrops of gilsonite vein of which the survey has record. The source of this information is a map prepared by an operating company which purports to show the gilsonite veins and their status in March, 1910. The status thus shown is summarized in the table below:

Gilsonite veins, in miles of outcrop, in the White River region, Uncompahgre Ute Indian Reservation, Utah, reported as known in March, 1910.

	Patented.	Unpatented.
	Miles.	*Miles.*
Even sections		20.0
40-acre tracts	16.8	
Mining claims	13.8	
Odd sections		30.2
Mining claims	15.4	

This information is doubtless authentic as far as it goes, but I have no means of knowing precisely how complete it is, although the survey's general information on the region lands leads me to believe it to be quite complete. It refers only to gilsonite; none of the other minerals, such as elaterite, ozokerite, and sand-asphaltum, have been produced commercially from this reservation and their importance must be relatively slight. As shown by the table above, approximately 52 per cent of the veins are unpatented, and of the unpatented 40 per cent, or about 20 per cent of the total, is on even-numbered sections and might be disposed of under the act of March 3, 1903. The unpatented veins on odd-numbered sections are about 30 per cent of the total and are withheld from entry pending further action by Congress. About 17 per cent of the total has been patented in 40-acre tracts, and about 30 per cent of the total as mining claims under the authority of the act of March 3, 1903. The known deposits appear to be about equally divided between the even-numbered and odd-numbered sections, as might be expected.

The figures summarized in the table above deal only with the length of outcrop and show nothing in regard to the thickness and depth of the veins or the quality of gilsonite ore, all of which are known in a general way to vary from point to point.

No data are available on the ownership of the patented lands. The Barber Asphalt Co., through subsidiary companies, is reported to control the Utah output of gilsonite, and there is, therefore, basis for the common belief that most of the patented gilsonite land is owned or controlled by one company. There is a possibility, however, that

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control by the Barber Asphalt Co. is not entirely dependent on ownership of the mineral land, but partly by reason of ownership of the only means of transportation to market, namely, the private railroad from Dragon, Utah, to Mack, Colo., on the main line of the Rio Grande Railroad. This condition, however, is likely to be remedied in the future by the extension of the so-called Moffat line through from Craig, Colo., its present terminus, to Salt Lake City.

The gilsonite and similar minerals occur as fillings in fissures in certain geologic formations, comprising sandstones and shales, and occupying large portions of the former Uinta and Uncompahgre Reservations. As these minerals occur in true fissures in the "country rock," it would appear that they can be disposed of properly under the mining laws as applied to vein and lode deposits. In fact, a part of them in the Uncompahgre Reservation has already been disposed of in that manner, and I understand that those in the Uinta Reservation and elsewhere can now be located under this law. In view of the apparent adequacy of the law under which these deposits may be acquired, of the probability that about one-half of the gilsonite veins in the Uncompahgre Reservation are yet in public ownership, and of the demand for the opening of these to entry, I believe that the department will be warranted in giving its support to any effort that is made to have Congress open all of these lands to mineral entry, provided steps can be and are taken to prevent their acquisition after they have passed out of the hands of the Government by the company now controlling practically all of the deposits in the region under consideration.

Under present conditions, there can be little doubt that the opening of these lands would result in their prompt acquisition by those now controlling the output, since no other company can compete successfully with the now dominant company because of its organization and mastery over transportation. Furthermore, there seems to be abundant gilsonite developed to supply present market demands. This fact tends to make competition more difficult and to give a great advantage to a strong company with large holdings from which only the highest grade products, or those that can be most cheaply developed, may be selected.

I inclose carbons of this statement for Messrs. Carter and Hayden.

Very truly, yours,

(Signed) GEO. OTIS SMITH, *Director.*

It will be observed from this report that fear was expressed that lands containing gilsonite in this region were now controlled by a monopoly, and that if the lands referred to in the Senate bill were opened to entry as therein provided, the present monopoly would secure them also. Senator Smoot presented to the committee a letter indicating the existence of a monopoly at present, which letter is as follows:

SALT LAKE CITY, UTAH, *April 17, 1916.*

Hon. REED SMOOT,
United States Senator for Utah,
Washington, D. C.

DEAR SENATOR: Just returned from the Pacific coast, where I spent the winter. Your letter announcing the passage of the Uncompahgre gilsonite bill by the Senate was forwarded to me at the time, and I thought surely the bill would be passed by the House in due time. Imagine my surprise when I reached Salt Lake and learned that the House of Representatives had voted it down. I can think of no reason for this except that the so-called Gilsonite Trust, an eastern concern, got its work in, and prevented its passage.

When the lands of the former Uncompahgre Indian Reservation were restored to the public domain, Congressional action provided, as I remember it, that all gilsonite veins discovered and located prior to a certain date, should be allowed to go to patent, and the balance of such deposits were held in reserve. By this proviso the trust was enabled to get into its possession all the most valuable then known deposits of gilsonite. Subsequently, by the same Congressional action, some more gilsonite deposits, which had in the meantime been found, was sold on two separate occasions to the highest bidder, and secured by the same people, and therefore whatever other deposits of gilsonite there may be, remain in reserve. This is as the trust wants it to be, because it has all the gilsonite it needs for years to come. They have built a railroad to their mines, and are almost exclusively supplying and controlling the market. Under such conditions no prospector will go out and hunt for more gilsonite. If he found any, he could not possibly bid it in, in competition with a "hundred million dollar trust."

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There is probably but little undiscovered gilsonite left; but that little the people of Utah should have the chance of securing, which they can not do under present conditions, which were produced and are continued at the instigation and for the benefit of the trust as above stated. It is a shame and a disgrace that such conditions are allowed to exist. What were our Representatives doing to permit their continuance? Is there no rule of precedent which will permit the House to reconsider its action?

Your friends of Uintah and Duchesene Counties rely on you to see that this wrong is righted. Please drop me a line and let me know what you think of the outlook.

Yours, very truly,

(Signed) A. D. FERRON.

Information also came to the committee that the known gilsonite lands referred to in the Senate bill comprised an area equal to about 150 mining claims; that there are at the present time squatters upon all of these claims waiting the passage of the Senate bill throwing the lands open to mineral location and entry. Information also came to the committee that a considerable number, at least, of these squatters were probably dummies in the interest of the alleged monopoly hereinbefore referred to. In view of these facts, your committee declines to recommend the concurrence in the Senate bill without amendment. At the same time your committee recognizes the fact that if competition can be secured with this alleged monopoly it is very desirable that it be done. This can only be assured by the enactment of such legislation as will effectually prevent these lands from being acquired by any monopoly. It does not require a large capital to extract the gilsonite from these lands. It was stated to your committee by some of those appearing before it that all that was necessary was a pick and shovel and team and wagon. The amendment proposed therefor provides that the Secretary of the Interior may grant a limited license or permit to extract the minerals referred to from specific tracts of land within the former Uncompahgre Indian Reservation in the State of Utah, no license to embrace more than 20 acres, and the term of same to not exceed 10 years. In view of the desirability of actual competition, no payment of royalty is required. It is provided that in issuing such licenses preference shall be given to actual residents of the counties within which such lands are situated. It is believed by your committee that the substitute bill will secure the development of these lands, so far as they can be developed in competition with privately owned gilsonite lands, and at the same time make it impossible for the present alleged monopoly to secure title to them.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 643.

RURAL CREDITS.

MAY 5, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GLASS, from the Committee on Banking and Currency, submitted the following

REPORT.

[To accompany S. 2986.]

The Committee on Banking and Currency, to whom was referred the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, having had the same under consideration, reports it back with amendments and recommends that the bill do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 644.

MILITARY ESTABLISHMENT.

MAY 5, 1916.—Ordered to be printed.

Mr. HAY, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 12766.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12766, entitled "An act to increase the efficiency of the Military Establishment of the United States," having met, after full and free conference, have been unable to agree.

JAMES HAY,
S. H. DENT, jr.,
JULIUS KAHN,
Managers on the part of the House.
GEO. E. CHAMBERLAIN,
J. C. W. BECKHAM,
F. E. WARREN,
Managers on the part of the Senate.

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STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12766, entitled "An act to increase the efficiency of the Military Establishment of the United States," make the following statement:

The conferees have been unable to agree and have not been able to adjust the differences between the two Houses.

JAMES HAY.
S. H. DENT, jr.
JULIUS KAHN.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 648.

AMENDMENT OF THE JUDICIAL CODE.

MAY 5, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 6450.]

The Committee on the Judiciary, having had under consideration the bill (H. R. 6450) to amend section 260 of the Judicial Code, report the same to the House with the recommendation that the bill be amended as follows, and that as amended it do pass:

Amend by striking out on page 2, lines 13 to 17, both inclusive.

Under the existing law judges of the courts of the United States having attained the age of 70 years, and having served as such judge for at least 10 years, may resign, and receive the salary payable at the time of resignation. Upon such resignation the judge continues to receive his judicial compensation but ceases to be a judge and performs no judicial duties. The purpose of this bill is to permit judges who are qualified to resign on salary to retire instead of resigning, and to perform such judicial service as they may be willing to undertake. Such retirement will have the advantage of giving to the Government the service of retired judges free of additional expense.

It is believed that this bill, if enacted, will induce judges who are incapable of performing full service and hesitate to resign to retire under its provisions and still perform such judicial service as they are capable of performing. In the past many judges have remained upon the bench long beyond the time when they were capable of adequately discharging their duties, and in consequence the administration of justice has suffered. Under the Constitution, judges hold their offices during good behavior, and, therefore, the power of Congress, outside of impeachment, is limited to providing for their voluntary resignation or retirement.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 650.

CLAIMS OF VOLUNTEER SOLDIERS FOR PAY, ETC.

MAY 6, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. REAVIS, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 3690.]

To the act of December 22, 1911, entitled "An act making appropriations to supply urgent deficiencies in appropriations for the year 1912, and for other purposes," a rider was attached depriving volunteer soldiers of the Civil and Spanish-American Wars after December 31, 1912, of the right to file claims for arrears in pay, bounty, or other allowances growing out of their service.

No legislation similar in character had been enacted by Congress since February 18, 1793, a period of more than 120 years.

The limitation in the act of December 22, 1911, applies only to volunteers who served in the Army during the Civil War and the Spanish-American War. No limitation is put upon the soldiers of the Regular Army who served in such wars, nor is a limitation put upon the sailors of the regular and volunteer force of the Navy who served in such wars.

The committee has no information as to the impelling motives which underlay this discriminating and grossly unjust legislation, but does know that its enactment has deprived many veterans of their just due.

Not many veterans of the Civil War remain with us; their ranks are growing pitifully thin; the result of their sacrifice and service, however, will endure for all time.

More than 350,000 of the veterans of the Spanish-American War are still living. No limitation was ever placed upon the soldiers of the War of 1812–1815, nor was limitation ever placed upon the veterans of the Mexican War of 1846–1848. Throughout the entire life of the veterans of these wars the Government held itself in readiness to pay them any just obligation it owed.

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With such precedents, why should the veterans of the Spanish-American War be limited to 14 years? Why should not the veterans of the Civil War and the Spanish-American War be accorded the same treatment granted veterans of other wars? And if the doors are to be closed, why close them against the volunteers alone?

It has always been the wise policy of this Nation to care for its volunteer soldier. He is, of necessity, our ultimate defense, and his service in the past has been among the glories of American history. Is it wise or just to establish a statute of limitation which denies to him the fulfillment of a contract which the Nation has made with him?

The War Claims Committee has been compelled to refuse consideration to claims of this character because of the rider on this act of 1911 and in cases where the claim was entirely just.

The forty-ninth encampment of the G. A. R., which convened in Washington in September, 1915, passed resolutions requesting relief from the act of 1911 and denounced it as unjust discrimination against the volunteer.

The Auditor for the War Department has given his approval to the repeal of the act of 1911, saying, among other things:

> There seems to be no equitable reason for placing a bar against claims for pay, allowances, and bounty that depends on enactments of the nature of pre-enlistment contracts, such pay, etc., becoming of the nature of a vested right.

The committee unanimously report H. R. 3690 with the earnest recommendation that it pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 651.

INDIAN APPROPRIATION BILL.

MAY 6, 1916.—Ordered to be printed.

Mr. CARTER of Oklahoma, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompanying H. R. 10385.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, and 149.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In line 7 of said amendment strike out the word "the" and insert in lieu thereof the word *Indian*, and in line 8 of said amendment strike out the word "the" and insert in lieu thereof the word *such*; and the Senate agree to the same.

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Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

In line 1 of said amendment strike out the word "to" and insert in lieu thereof the following: *$5,000 of which shall*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

Provided further, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

And the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *two permanent warehouses*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In line 1 of said amendment strike out the words "which has been," and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

For beginning the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Arizona, as recommended by the Board of Engineers of the United States Army in paragraph two hundred and seventeen of its report to the Secretary of War of February fourteenth, nineteen hundred and fourteen (House Document Numbered Seven hundred and ninety-one), $75,000, to be immediately available and to remain available until expended, reimbursable as provided in section two of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two), the total cost not to exceed $200,000

And the Senate agree to the same.

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Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Arizona, as estimated by the Board of Engineer Officers of the United States Army in paragraph one hundred and thirty-eight of its report to the Secretary of War of February fourteenth, nineteen hundred and fourteen (House Document Numbered Seven hundred and ninety-one), $75,000, to remain available until expended, the total cost not to exceed $175,000: Provided, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Arizona: And provided further, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: And provided further, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section two of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August thirteenth, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and eighty-six): And provided further, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible.

And the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately six hundred acres of land in addition to the area to be irrigated by said

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project, as authorized in section two of the act of August twenty-fourth, nineteen hundred and twelve, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows:

In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: *$10,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of one hundred Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400.

And the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation.

And the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kansas: Provided, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times

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maintain and repair said bridges: And provided further, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: And provided further, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose.

And the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

Strike out the following language of the amendment:

"Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said Act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota."

And the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows:

In line 6 of said amendment strike out the following: "at Keewaton Academy, Wisconsin," and the comma; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows:

In line 1 of said amendment, after the word "balance," insert the following: *of $3,436.03*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows:

In line 2 of said amendment strike out the word "section," and in line 3 strike out the word "one," and insert in lieu thereof the words *this act*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In line 2 of said amendment strike out the figures "$50,000," and insert in lieu thereof *$25,000*; and the Senate agree to the same.

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Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: Provided, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: Provided further, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

And the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, five per centum of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in fifteen annual installments, the first five of which shall each be five per centum of the construction charge and the remainder shall each be seven per centum of the construction charge. The first of the annual installments shall become due and payable on December first of the fifth calendar year after the initial installment: Provided, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: Provided further, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

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That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: Provided, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: Provided further, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this Act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: Provided, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

And the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *for the purpose of making necessary repairs on the Government bridge across the Niobrara River near Niobrara, Nebraska; also to reconstruct one span of ninety feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under*

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the direction of the Secretary of the Interior; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$91,100*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of two hundred and ninety Indian pupils at the Indian school at Carson City, Nevada, including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430.

And the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows:

In line 4 of the amendment, after the figures "$15,000," strike out the period, insert a colon and the following:

Provided, That no part of this appropriation shall be expended for mileage, salaries, or expenses of employees.

And the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows:

In line 2 of the amendment strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of three hundred and fifty Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150.

And the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

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For support and education of two hundred and twenty Indian pupils at the Indian school, Wahpeton, North Dakota, and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540.

And the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following:

To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section thirty-four, township one hundred and sixty-four north, range seventy west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary.

And the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Oklahoma, for the purchase of allotments in Oklahoma, as provided for in the Act of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page seventy-seven), for the three adult heads of families who have not heretofore received allotments.

And the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *except that the Secretary of the Interior is hereby authorized within thirty days after the passage of this Act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles M. Fechheimer and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same*; and the Senate agree to the same.

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Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$15,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: Provided, That the unused balance of $9,830 of the amount appropriated by the Act of August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and two), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oregon, under such rules and regulations as he may prescribe.

And the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *$67,500: Provided, That the unexpended balance of $1,607.44 appropriated by the Act approved August first, nineteen hundred and fourteen, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June tenth, nineteen hundred and fourteen, at Flandreau Indian School, South Dakota, is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school*; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing

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on the various Sioux Indian Reservations, adequate school facilities for the children of the Sioux Tribes who are now without Government or public school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, nineteen hundred and seventeen, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations, and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available.

And the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows:

In line 7 of said amendment, after the word "highway," insert a comma and the following: *reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available.

And the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed twenty acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the Act approved August first, nineteen hundred and fourteen (thirty-eighth Statutes at Large, page five hundred and eighty-four), at not less than the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State.

And the Senate agree to the same.

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Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$5,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands" within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon. to the party or parties who shall finally be adjudged to be entitled to such fund: Provided, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made.

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

Sec. 27. On the first Monday in December, nineteen hundred and seventeen, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: Provided, That hereafter no money shall be expended from Indian tribal funds without

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specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: Provided further, That this shall not change existing law with reference to the Five Civilized Tribes.

And the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

Sec. 28. That on or before the thirty-first day of December, nineteen hundred and sixteen, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of bookkeeping and accounting for the Bureau of Indian Affairs that will enable the said Secretary, on or before July first, nineteen hundred and seventeen, to meet the requirements of section twenty-six of the Indian appropriation act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and three).

And the Senate agree to the same.

HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Makes the reimbursable appropriation for repairs and maintenance of irrigation ditches available until expended.

No. 5. Increases limit of cost of hospitals from $15,000 to $17,500, which are now under construction.

No. 9. Strikes out the word "and" and inserts the word "or" to include blind children so they can receive benefit of the fund to educate Indian children.

No. 13. Provides that hereafter Indian farmers must hold and file a certificate of competency from some college recognized before employment in the service.

No. 16. Increases the reimbursable appropriation for determining heirs of deceased Indian allottees $10,000.

No. 17. Permit the use of $25,000 of the reimbursable appropriation for determining heirs of deceased Indian allottees for employment of clerks in the Indian Office here.

No. 18. Correct total in accordance with amendment 16.

No. 19. Strikes out the word "heir" and insert "heirs."

No. 20. Places a limit of value of $250 or more upon an heirship in order to charge the fee for determining the heirs.

No. 21. Permits the partition of an allotment of a deceased Indian regardless of competency of heirs.

No. 22. Permits extension of trust period specified in patent to incompetent heirs if necessary.

No. 24. When an Indian allottee by reason of old age or incapability can not personally occupy their allotment that is susceptible of irrigation, the Secretary of the Interior may, in his discretion, lease said allotment for a term not to exceed 10 years for benefit of said Indian.

No. 25. Any Indian who is mentally or physically incapable of managing his or her affairs may apply to Secretary of Interior, who may, in his discretion, withdraw from the Treasury any part of said Indian's pro rata share of funds to their credit and use for their benefit.

No. 27. An appropriation of $2,000 to pay Charles J. Kappler for compiling, annotating and indexing the third volume of Indian Laws and Treaties.

No. 28. Provides that all bidders for supplies for goods furnished the Indian Service may deposit a certified check or approved bond to guarantee the fulfillment of contract instead of the money in amounts exceeding $5,000.

No. 29. Increases the appropriation $3,500 for the purchase of additional land adjacent to the Phoenix (Ariz.) Indian School.

No. 33. Strikes out the words "to remain available until expended."

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No. 39. Makes an appropriation of $3,000 for preservation and repaid of prehistoric pueblo ruins and cliff dwellings in Arizona, under supervision of the Smithsonian Institution.

No. 46. Provides for an appropriation of $8,000 for erection of a barn at Haskell Institute, Lawrence, Kans.

No. 48. For traveling and incidental expenses amounting to $250, to Joseph Bradley, for appearing before Congress in behalf of Indians in Michigan.

No. 50. An appropriation of $3,000 to improve road and to blast out and deepen the ditch and creek leading to the Pipestone Indian School in Minnesota.

No. 51. Provides that not to exceed $60,000 of the $185,000 withdrawn from the trust funds of the Chippewas in Minnesota, and one-fourth of the interest on said tribal funds, may be used for school purposes and compensation of employees, and that $10,000 may be used for road improvements, and that $10,000 may be used for the installation of an electric-light plant at White Earth Agency, provided the residents pay a proportionate share.

No. 52. Provides for sale and conveyance at not less than appraised value of certain lands to independent school district 1 of Mahnomen County, Minn.

No. 53. Provides for the issuance of a fee patent to 40 acres of land on the Nett Lake Indian Reservation in Minnesota to the Methodist Episcopal Church.

No. 54. Appropriates not to exceed $25,000 from amounts derived from sale of timber of the Chippewa Indians in Minnesota, for payment of scalers and check scalers.

No. 56. Appropriates $6,000 out of tribal funds of the Chippewa Indians to pay expenses of general council of said tribe to meet in July, 1916.

No. 58. Amends the act of June 30, 1913 (38 Stat. L., p. 89), by appointing an Assistant Attorney General instead of a selection to be made by the Attorney General.

No. 60. Provides for the completion of the enrollment of allottees within the White Earth Reservation in Minnesota and appropriates $5,000 for that purpose.

No. 61. Provides for the establishment and administration of a forest reserve and for sale of timber within the Red Lake Indian Reservation in Minnesota.

No. 62. That lands within said Red Lake Indian Forest Reserve not covered with merchantable timber and suited for agricultural purposes and that front lake shores may be allotted to individual Red Lake Indians under certain conditions.

No. 63. Authorizes the Secretary of the Interior to issue permits or grant leases on such lands in said forest reserve covered in amendment 61, for a limited time.

No. 64. Authorizes the Secretary of the Interior to select not exceeding 200 acres in sections 20, 21, 28, and 29 for town-site purposes and to be held subject to future legislation of Congress.

No. 66. Authorizes investigation of condition of Indians living in Mississippi and appropriates $1,000 for that purpose.

No. 67. Corrects section number.

No. 68. Increases appropriation for civilization of Indians at Flathead Agency, Mont., from $14,000 to $20,000 and limits amount to expend in salaries to not exceeding $4,500.

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No. 70. Appropriates $750,000 (reimbursable) for continuing construction of the irrigation system on the Flathead Indian Reservation, Mont.

No. 71. Appropriates $100,000 (reimbursable) for continuing construction of the irrigation systems on the Fort Peck Indian Reservation, Mont.

No. 76. Corrects section number.

No. 80. Is a reimbursable appropriation of $30,000 to pay drainage assessments and grant right of way for location of drainage ditches on lands belonging to Omaha and Winnebago Indians in Dixon, Wayne, and Thurston Counties, Nebr.

No. 81. Corrects section number.

No. 85. Corrects section number.

No. 86. Adds the words "in the vicinity of," so that additional land either adjoining or in the vicinity of may be purchased as a school farm for the Indian School at Albuquerque, N. Mex.

No. 89. Corrects section number.

No. 90. Corrects section number.

No. 93. Corrects section number.

No. 94. Makes the appropriation of $4,000 for sinking wells and improving the water system at the Fort Totten Indian School, North Dakota, immediately available.

No. 96. Authorizes the Secretary of the Interior from time to time within his discretion to withdraw from the Treasury money derived from sale of surplus lands and any interest thereon accrued belonging to the Fort Berthold Indians in North Dakota, and distribute same per capita or where any Indian is incompetent, said share may be withheld and deposited in some bank and used for benefit of said incompetent Indian.

No. 98. Is an appropriation of $1,497.44 to reimburse Benson County, N. Dak., for caring for certain insane Indians.

No. 99. An appropriation of $100 for the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian Chief.

No. 101. Corrects section number.

No. 103. Corrects section number.

No. 104. An increase of $10,000 for expenses and administration of affairs of the Five Civilized Tribes and makes it immediately available.

No. 106. Authorizes the Secretary of the Interior to make a per capita payment of $300 to each Seminole Indian in Oklahoma, same to be paid out of their tribal or trust funds.

No. 107. An appropriation of $275,000 for the benefit and aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma.

No. 109. Authorizes the Secretary of the Interior to use tribal funds of the Choctaws, Chickasaws, Creeks, and Seminoles, Oklahoma, for school purposes.

No. 111. Authorizes a settlement of a compromise of a suit between the United States and E. Dowden in regard to the Tuttle town site, Oklahoma.

No. 112. Corrects section number.

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No. 114. Provides that the money derived from sale of lands belonging to Indians on the Siletz Indian Reservation, in Oregon, may be paid out to said Indians, share and share alike.

No. 115. Permits the withdrawal of not exceeding $1,000 from tribal funds of the Klamath Indians in Oregon, to pay the expenses of two delegates elected by their council to come to Washington.

No. 121. Corrects section number.

No. 122. Corrects section number.

No. 125. Strikes out the word "boiler" and inserts the word "boilers," to be installed at the Indian School, Pierre, S. Dak.

No. 126. Increases the appropriation $5,000 for the construction of a barn at the Indian School, Pierre, S. Dak., and corrects total.

No. 128. Corrects section number.

No. 130. An appropriation of $1,684 to reimburse the board of education of Box Elder County, State of Utah, for education of 23 Indian pupils during the years 1913 and 1914, and for the education of 21 pupils during the years 1914 and 1915.

No. 131. An appropriation of $832 for the education of 22 Indian pupils at Washakie, Box Elder County, Utah, for the years 1915 and 1916.

No. 134. Corrects section number.

No. 136. A reimbursable appropriation of $100,000 to pay the third installment for water supply of 40 acres of each Indian allotment on the Yakima Indian Reservation, in the State of Washington.

No. 138. Authorizes the Secretary of the Interior to lease for mining purposes the unallotted mineral lands on the diminished Spokane Reservation, in Washington.

No. 139. An appropriation, reimbursable, of $95,000 and authorizes the Secretary of the Interior to negotiate and pay for water rights for lands heretofore allotted to Indians situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Wash.

No. 140. Corrects section number.

No. 141. This amendment is intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribe of Indians enrolled under the act of March 3, 1893 (37 Stat. L., 744), the amount of payments made prior to their respective enrollments. Section 6 of the act of February 6, 1871, provided for the determination of the persons who were members of the Stockbridge and Munsee Tribe and their future relations to the Government. Two rolls were prepared, one containing Indians who it was thought desired to separate their relations from the tribe and become citizens, and the other those who desired to retain their tribal character and remain under the guardianship of the Government. It subsequently appeared that some of those Indians who were placed on the first roll did not desire to sever their relations with the tribe, and they were again enrolled under the provisions of the act of March 3, 1893 (37 Stat. L., 744–745).

No. 143. In order to train Indians in the use and handling of money, not exceeding $25,000 of the appropriation allowed may be paid them per capita or deposited in some bank for their use and benefit under such rules as the department may prescribe.

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No. 144. That no lands of the Menominee Indians in Wisconsin shall be cleared for agricultural purposes, excepting such lands as have been heretofore completely cut over.

No. 145. Amends the act of March 28, 1908, by permitting the Secretary of the Interior to sell lumber, laths, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp, and other materials, under such rules as he may prescribe, and deposit the money in the Treasury for the benefit of the Menominee Indians in Wisconsin.

No. 148. Provides for the granting of flowage rights over unallotted Indian lands under rules and regulations prescribed by the Secretary of the Interior and consent of Indians, and the leasing of the allotted lands with consent of allottee for flowage and storage reservoir purposes, and allottee to determine, subject to approval of Secretary of the Interior, as to consideration therefor.

No. 150. A reimbursable appropriation of $6,500 for the completion of a road on the Red Cliff Reservation, in Wisconsin.

No. 151. Corrects section number.

No. 152. Reduces the appropriation 66 cents for repairs at the abandoned military post of Fort Washakie, Wyo.

No. 153. To enable the Secretary of the Interior to prepare and submit to Congress plans and estimates of cost for completing the irrigation of all irrigable lands in the Shoshone or Wind River Reservation, in Woyming, to also include in the estimates for the ceded lands within said reservation.

No. 154. Provides an appropriation of $5,000 to carry the provisions of amendment No. 153 into effect.

No. 155. For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools from October 21 to November 11, 1912, $257.

On the following amendments the House conferees receded with modifying or substitute amendments to wit:

No. 2. Makes the provisions of sections 2140 and 2141, Revised Statutes, apply to beer as an intoxicating liquor, and the possession of intoxicating liquor in an Indian country prima facie evidence of unlawful introduction.

No. 7. Makes $5,000 of the appropriation for maintenance of the sanatoria for the Choctaw and Chickasaw Indians immediately available.

No. 10. Provides that $200,000 of the appropriation for day and industrial schools may be expended for tuition of Indian pupils in public schools.

No. 14. Provides for two permanent warehouses for use of Indian Service.

No. 26. Is an appropriation of $100,000 to reimburse Indians for live stock that may be hereafter destroyed on account of dourine.

No. 34. For beginning the construction of a dam with bridge superstructure for diverting the water of the Gila River in Arizona for irrigating Indian lands on the Gila River Indian Reservation. Reduces appropriation from $200,000 to $75,000 and limits the cost of said work to $200,000.

No. 35. For beginning the construction of a diversion dam and necessary canals in Pinal County, Ariz., at or near Florence, for irrigation of Indian lands. Reduces amount appropriated from $175,000 to $75,000 and limits cost of work to $175,000.

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No. 36. For extension of the Ganado irrigation project in Arizona and makes it reimbursable.

No. 37. An appropriation of $10,000 for the purpose of making investigation, survey, and cost of practicable means of holding the Gila River in its channel in Graham County, Ariz.

No. 41. Increases the number of pupils, also appropriation for care of said increase allowed, and permits the purchase of additional land for school farm at the Indian school in Greenville, Cal.

No. 42. Makes the appropriation for improvement and construction of roads on the Yuma Indian Reservation in California reimbursable.

No. 47. Authorizes the Secretary of the Interior to withdraw from the tribal funds on deposit in the Treasury to the credit of the Potawatomi Indians, the sum of $10,000 for the construction of a bridge across the Big and Little Soldier Creeks on their said reservation.

No. 55. Strikes from the bill the entire paragraph.

No. 57. Strikes from the bill the words "Keewaton Academy, Wisconsin."

No. 59. Makes the unexpended balance of $3,436.03 available for payment of expenses incurred in preparing a roll of the Indians within the White Earth Reservation, Minn.

No. 65. Provides for sale of timber on lands of the Red Lake Indian Reservation outside of the forest reserve created by amendment No. 61.

No. 72. Decreases the reimbursable appropriation for continuing construction of the irrigation systems on the Blackfeet Indian Reservation, Mont., from $50,000 to $25,000.

No. 74. The work to be done on the irrigation projects on the Blackfeet, Flathead, and Fort Peck Indian Reservations, Mont., may be done by the Reclamation Service with plans approved by Indian Bureau, and authority is also given that a limited amount of said appropriations may be used for purchase of motor vehicles, horses, and horse-drawn vehicles.

No. 75. That the Secretary of the Interior shall assess the charge for cost of irrigation projects as mentioned in amendment No. 74 against the persons who own the land and are receiving benefit of said system.

No. 78. An appropriation of $6,500 for repairs on the Government bridge across the Niobrara River in Nebraska.

No. 79. Corrects total.

No. 82. Increases the number of pupils at the Indian School, Carson City, Nev., and provides for their care.

No. 83. An appropriation of $15,000 to purchase homes, farm sites, water rights, and aid to nonreservation Indians in Nevada, also provides that no part of said appropriation shall be used for payment of salaries, mileage, or expenses of employees.

No. 84. Strikes out the words "to remain available until expended," in the appropriation for support and civilization and purchase of land and water rights for the Washoe Indians in Nevada.

No. 87. Increases the amount for repairs and improvements, and for the construction of an assembly hall at the Indian school, Santa Fe, N. Mex.

No. 95. Increases the number of pupils and provides for their care at the Wahpeton Indian School, Wahpeton, N. Dak., decreases ap-

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propriation for repairs and improvements from $8,000 to $5,000, and provides for the construction of a new building to cost $20,000.

No. 97. Makes an appropriation of $1,500 to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian.

No. 102. Making the unexpended balance of $9,533.38 available for the purpose of continuing the relief of the Apache Indians, and for the purchase of lands in Oklahoma.

No. 105. Authorizes the Secretary of the Interior to adjudicate, and, if he deem it proper, to apply the per capita payment or any part of the same herein authorized to be made, to John Calvin Gray, Williams T. Lancaster, Arthur Jennings, and Clyde Jennings, enrolled members of the Choctaw and Chickasaw Nations, in the settlement of attorneys' fees for services rendered said Indians in being restored to the rolls.

No. 110. An appropriation of $15,000 for the salaries and the expenses of six oil-and-gas inspectors to supervise the oil, gas, and mining operations in the Five Civilized Tribes.

No. 113. Appropriates $7,200 for the purchase and the installation of boilers at the Indian school at Salem, Oreg., and makes available an unexpended balance of $9,830, and an additional amount of $2,500 for an addition to the assembly hall.

No. 116. Permits the Secretary of the Interior to withdraw from the Treasury $3,000 out of the tribal funds belonging to the Klamath Indians in Oregon, to construct a bridge across the Williamson River.

No. 124. Corrects the total and also makes available an unexpended balance of $1,670 out of a $10,000 appropriation, approved August 1, 1914, for the installation of a water tank, and the purchase of dairy cattle.

No. 127. Is an appropriation of $1,000, and authorizes the Secretary of the Interior to make an investigation as to the school facilities among the different Sioux Tribes of Indians, and to report to Congress on or before January 1, 1917.

No. 129. Makes the appropriation of $9,000 to pay a proportionate share for the construction of a highway or wagon road throngh the Kaibab Indian Reservation, Utah, reimbursable.

N. 132. Authorizes the Secretary of the Interior to withdraw $1,000 from the tribal funds now in the Treasury to credit Indians in Utah, and use the same to protect abutment of the bridge at Myton, Utah.

No. 137. Authorizes Secretary of the Interior to sell not to exceed 20 acres of land on the north side and within the limits of the abandoned Fort Spokane Military Reservation, Wash., that will not be needed for hospital purposes, and place the proceeds in the Treasury to the credit of the Spokane Indians.

No. 142. An appropriation of $5,000 to purchase dairy cattle for the Indian school at Oneida, Wis.

No. 146. Provides that the Secretary of the Interior may sell the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which there is a disputed claim, and to hold the money derived therefrom until it is ascertained to whom it belongs.

No. 156. Requires the Secretary of the Interior to submit annually to Congress a certain detailed statement as to appropriations and disbursements of tribal funds belonging to Indians.

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No. 157. Provides that the Bureau of Efficiency shall submit a system of bookkeeping and accounting for the Indian Bureau in order that the Secretary of the Interior may meet the requirements of existing law.

The following table shows the amounts carried in the bill as it passed the House, the Senate, and as agreed to by your conferees, and is exclusive of amounts appropriated out of trust funds belonging to the Indians.

Item.	Passed House.	Passed Senate.	Agreed in conference.
Surveying and allotting Indian reservations, reimbursable	$100,000.00	$100,000.00	$100,000.00
Irrigation, Indian reservations, reimbursable	244,700.00	244,700.00	244,700.00
Suppressing liquor traffic among Indians, gratuity	150,000.00	150,000.00	150,000.00
Relieving distress and prevention of diseases, etc., gratuity	350,000.00	400,000.00	350,000.00
Indian school support, gratuity	1,550,000.00	1,550,000.00	1,550,000.00
Indian school and agency buildings, gratuity	400,000.00	400,000.00	400,000.00
Indian school transportation, gratuity	72,000.00	72,000.00	72,000.00
Industrial work and care of timber, gratuity	425,000.00	500,000.00	425,000.00
Purchase and transportation of Indian supplies, gratuity	300,000.00	300,000.00	300,000.00
Telegraphing and telephoning, Indian service, gratuity	10,000.00	10,000.00	10,000.00
Court costs, etc, gratuity	1,000.00	1,000.00	1,000.00
Expenses, Board of Indian Commissioners, gratuity	10,000.00	10,000.00	10,000.00
Pay of Indian police, gratuity	200,000.00	200,000.00	200,000.00
Pay of judges, Indian courts, gratuity	8,000.00	10,000.00	8,000.00
General expenses, Indian Service, gratuity	135,000.00	135,000.00	135,000.00
Inspectors, Indian Service, gratuity	30,000.00	30,000.00	30,000.00
Determining heirs of deceased Indian allottees, gratuity	90,000.00	100,000.00	100,000.00
Industry among Indians, reimbursable	300,000.00	400,000.00	300,000.00
Payment to heirs of Farmer John, gratuity	20.00	20.00	20.00
Suppressing contagious diseases among live stock, gratuity	.....	100,000.00	100,000.00
Payment to Charles J. Kappler, gratuity	.....	2,000.00	2,000.00
ARIZONA AND NEW MEXICO.			
Support of Indians in Arizona and New Mexico, gratuity	330,000.00	330,000.00	330,000.00
Indian school, Fort Mohave, Ariz., gratuity	42,900.00	42,900.00	42,900.00
Indian school, Phoenix, Ariz., gratuity	131,900.00	135,400.00	135,400.00
Indian school, Truxton Canyon, Ariz., gratuity	21,200.00	21,200.00	21,200.00
Maintenance irrigation system, Pima Indian lands, reimbursable	20,000.00	25,000.00	20,000.00
Irrigation system, Colorado River Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Water supply, Papago Indian villages, gratuity	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Navajos, schools, treaty	100,000.00	100,000.00	100,000.00
Water supply, Navajo Indians, Arizona, reimbursable	25,000.00	25,000.00	25,000.00
Construction dam, Gila River Reservation, reimbursable	.....	200,000.00	75,000.00
Payment for water, Salt River allottees, reimbursable	20,000.00	20,000.00	20,000.00
Construction diversion dam, Gila River Reservation, above Florence, Ariz., reimbursable	.....	175,000.00	75,000.00
Ganado irrigation project, reimbursable	3,000.00	23,000.00	23,000.00
Investigation, Gila River, erosion, etc., gratuity	.....	15,000.00	10,000.00
Bridge across Little Colorado River, reimbursable	15,000.00	15,000.00	15,000.00
Construction additional spans, Gila River, gratuity	17,000.00	17,000.00	17,000.00
Preservation and repair, Pueblo ruins, gratuity	.....	3,000.00	3,000.00
CALIFORNIA.			
Support of Indians in California, gratuity	42,000.00	42,000.00	42,000.00
Purchase of lands for landless Indians, gratuity	10,000.00	30,000.00	10,000.00
Indian school, Riverside, Cal., gratuity	129,500.00	129,500.00	129,500.00
Irrigating allotments, Yuma Reservation, reimbursable	10,000.00	10,000.00	10,000.00
Indian school, Fort Bidwell, Cal., gratuity	21,800.00	21,800.00	21,800.00
Indian school, Greenville, Cal., gratuity	21,630.00	34,400.00	26,400.00
Roads and bridges, Yuma Reservation, Cal., reimbursable	.....	10,000.00	10,000.00
FLORIDA.			
Support of Seminoles in Florida, reimbursable	8,000.00	5,000.00	8,000.00
IDAHO.			
Support of Indians, Fort Hall Reservation, Idaho, gratuity	30,000.00	30,000.00	30,000.00
Maintenance, etc., Fort Hall irrigation system, reimbursable	25,000.00	35,000.00	25,000.00
Fulfilling treaties with Bannocks, Idaho, treaty	5,000.00	5,000.00	5,000.00
Fulfilling treaties with Cœur d'Alenes, treaty	3,000.00	3,000.00	3,000.00
KANSAS.			
Indian school, Lawrence, Kans., gratuity	140,250.00	148,250.00	148,250.00
Indian school, Kickapoo Reservation, Kans., gratuity	16,860.00	16,860.00	16,860.00
Bridges, Pottawatomi Reservation, Kans., gratuity	.....	10,000.00	(1)

[1] Paid out of tribal funds.

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Item.	Passed House.	Passed Senate.	Agreed in conference.
LOUISIANA.			
Purchase of lands for Chettimanchi Indians, gratuity	$1,500.00	$1,500.00	$1,500.00
MICHIGAN.			
Indian school, Mount Pleasant, Mich., gratuity	73,450.00	73,450.00	73,450.00
Reimbursement Joseph Bradley, gratuity		250.00	250.00
MINNESOTA.			
Indian school, Pipestone, Minn., gratuity	61,675.00	64,675.00	64,675.00
Support of Chippewas of the Mississippi, Minn., treaty	4,000.00	4,000.00	4,000.00
Enrollment White Earth allottees, gratuity		5,000.00	5,000.00
MISSISSIPPI.			
Investigation condition Mississippi Indians, gratuity		1,000.00	1,000.00
MONTANA.			
Support of Indians of Fort Belknap Reservation, Mont., gratuity	20,000.00	20,000.00	20,000.00
Support of Indians of Flathead Agency, Mont., gratuity	14,000.00	20,000.00	20,000.00
Support of Indians of Fort Peck Agency, Mont., gratuity	30,000.00	30,000.00	30,000.00
Support of Indians of Blackfeet Agency, Mont., gratuity	25,000.00	25,000.00	25,000.00
Irrigation, Fort Belknap Reservation, reimbursable	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Crows, Mont., treaty	6,000.00	6,000.00	6,000.00
Support of Northern Cheyennes and Arapahoes, treaty	80,000.00	80,000.00	80,000.00
Line riders, Northern Cheyenne Reservation, gratuity	1,500.00	1,500.00	1,500.00
Support Rocky Boys Band, gratuity	5,000.00	10,000.00	5,000.00
Purchase of land, Flathead Agency, reimbursable	320.00	320.00	320.00
Irrigation system, Flathead Agency, Mont., reimbursable		750,000.00	750,000.00
Irrigation system, Fort Peck Agency, Mont., reimbursable		100,000.00	100,000.00
Irrigation system, Blackfeet Agency, Mont., reimbursable		50,000.00	25,000.00
NEBRASKA.			
Indian school, Genoa, Nebr., gratuity	84,600.00	103,100.00	91,100.00
Assessment Omaha and Winnebago allotments, reimbursable		30,000.00	30,000.00
NEVADA.			
Support of Indians in Nevada, gratuity	18,500.00	18,500.00	18,500.00
Indian school, Carson City, Nev., gratuity	60,760.00	89,100.00	62,430.00
Home and farm sites, Nevada Indians, gratuity		15,000.00	15,000.00
Irrigation, Pyramid Lake Reservation, reimbursable	30,000.00	30,000.00	30,000.00
Land and water rights, Washoe Indians, gratuity	15,000.00	15,000.00	15,000.00
NEW MEXICO.			
Indian school, Albuquerque, N. Mex., gratuity	97,400.00	97,400.00	97,400.00
Indian school, Santa Fe, N. Mex., gratuity	67,150.00	103,650.00	92,150.00
Counsel for Pueblo Indians of New Mexico, gratuity	2,000.00	2,000.00	2,000.00
Highway, Mesa Verde National Park to Gallup, N. Mex., gratuity	15,000.00	54,000.00	15,000.00
NEW YORK.			
Fulfilling treaties with Senecas, New York, treaty	6,000.00	6,000.00	6,000.00
Fulfilling treaties with Six Nations, New York, treaty	4,500.00	4,500.00	4,500.00
NORTH CAROLINA.			
Indian school, Cherokee, N. C., gratuity	36,000.00	36,000.00	36,000.00
Bridge, Ocona Lufty River, gratuity		15,000.00	(1)
School for North Carolina Indians, gratuity		50,000.00	(1)
Maintenance, school for North Carolina Indians, gratuity		10,000.00	(1)
NORTH DAKOTA.			
Support of Sioux of Devils Lake, N. Dak., gratuity	5,000.00	5,000.00	5,000.00
Support of Indians, Fort Berthold Agency, N. Dak., gratuity	15,000.00	15,000.00	15,000.00
Support of Chippewas, Turtle Mountain Band, gratuity	11,000.00	11,000.00	11,000.00
Indian school, Bismarck, N. Dak., gratuity	56,175.00	56,175.00	56,175.00
Indian school, Fort Totten, N. Dak., gratuity	82,500.00	82,500.00	82,500.00
Indian school, Wahpeton, N. Dak., gratuity	40,200.00	66,540.00	63,540.00
Redemption mortgage, Starr McGillis, reimbursable		1,500.00	1,500.00
Reimbursing Benson County (insane Indians), gratuity		1,497.44	1,497.44
Headstone, Scarlet Crow, gratuity		1000.0	100.00

[1] Senate receded.

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Item.	Passed House.	Passed Senate.	Agreed in conference.
OKLAHOMA.			
Support of Wichitas and affiliated bands, gratuity	$5,000.00	$5,000.00	$5,000.00
Support of Cheyennes and Arapahoes, Oklahoma, gratuity	35,000.00	35,000.00	35,000.00
Support of Kansas Indians, gratuity	1,500.00	1,500.00	1,500.00
Support of Kickapoo Indians, gratuity	2,000.00	2,000.00	2,000.00
Support of Poncas, gratuity	8,000.00	8,000.00	8,000.00
Indian school, Chilocco, Okla, gratuity	93,250.00	93,250.00	93,250.00
Fulfilling treaties with Pawnees, treaty	47,100.00	47,100.00	47,100.00
Support of Quapaws, treaty	1,500.00	1,500.00	1,500.00
Purchase land for Fort Sill Apaches, gratuity	.....	40,000.00	(1)
FIVE CIVILIZED TRIBES.			
Administration affairs of Five Civilized Tribes, gratuity	175,000.00	185,000.00	185,000.00
Probate attorneys, Five Civilized Tribes, gratuity	85,000.00	85,000.00	85,000.00
Cherokee Orphan Training School, gratuity	40,000.00	40,000.00	40,000.00
Indian schools, Five Civilized Tribes, gratuity	.....	275,000.00	275,000.00
Fulfilling treaties with Choctaws, treaty	10,520.00	10,520.00	10,520.00
Oil and gas inspectors, Five Civilized Tribes, gratuity	.....	25,000.00	15,000.00
Compromise suits, U. S. *v.* Dowden et al., reimbursable	.....	57,500.00	57,500.00
OREGON.			
Support of Indians, Klamath Agency, Oreg., gratuity	6,000.00	6,000.00	6,000.00
Support of Indians, Warm Springs Agency, gratuity	4,000.00	4,000.00	4,000.00
Support of Indians, Umatilla Agency, gratuity	3,000.00	3,000.00	3,000.00
Indian school, Salem, Oreg., gratuity	119,000.00	135,500.00	128,700.00
Support of Indians, Grande Ronde and Siletz Agencies, Oreg., gratuity	4,000.00	4,000.00	4,000.00
Maintenance and operation, Modoc Point irrigation system, reimbursable	20,000.00	20,000.00	20,000.00
Bridges, Umatilla Reservation, reimbursable	18,666.00	14,000.00	18,666.00
PENNSYLVANIA.			
Indian school, Carlisle, Pa., gratuity	152,000.00	152,000.00	152,000.00
SOUTH DAKOTA.			
Indian school, Flandreau, S. Dak., gratuity	67,500.00	68,955.00	67,500.00
Indian school, Pierre, S. Dak., gratuity	55,750.00	60,750.00	60,750.00
Indian school, Rapid City, S. Dak., gratuity	83,500.00	83,500.00	83,500.00
Support of Sioux of different tribes, etc., treaty	307,000.00	307,000.00	307,000.00
Education, Sioux Nation, treaty	200,000.00	200,000.00	200,000.00
School facilities, Sioux Indian country, gratuity	.....	250,000.00	1,000.00
Support of Sioux, Yankton Tribe, gratuity	14,000.00	14,000.00	14,000.00
Asylum for insane Indians, Canton, S. Dak., gratuity	45,000.00	45,000.00	45,000.00
Highway, Standing Rock Reservation, reimbursable	5,000.00	5,000.00	5,000.00
UTAH.			
Support of Confederated Bands of Utes, treaty	53,740.00	53,740.00	53,740.00
Support of Indians in Utah, gratuity	10,000.00	10,000.00	10,000.00
Support of Confederated Bands of Utes, seeds and implements, treaty	10,000.00	10,000.00	10,000.00
Highway, Kaibab Reservation, reimbursable	.....	9,000.00	9,000.00
Irrigation, Uintah Reservation, reimbursable	40,000.00	40,000.00	40,000.00
Reimbursement Box Elder County, Utah, gratuity	.....	1,684.00	1,684.00
Education, Indian pupils, Washakie School, gratuity	.....	832.00	832.00
Protection bridge, Myton, Utah, gratuity	.....	1,000.00	(2)
WASHINGTON.			
Support of D'Wamish and other allied tribes, gratuity	7,000.00	7,000.00	7,000.00
Support of Makahs, gratuity	2,000.00	2,000.00	2,000.00
Support of Quinnaielts and Quillehutes, gratuity	1,000.00	1,000.00	1,000.00
Support of Yakima Indians, gratuity	3,000.00	3,000.00	3,000.00
Support of Colville and certain other Indians, gratuity	13,000.00	15,000.00	13,000.00
Support of Spokanes, treaty	1,000.00	1,000.00	1,000.00
Irrigation system, Yakima Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Indian school, Tacoma, Wash., gratuity	50,000.00	50,000.00	50,000.00
Dam across Yakima River, reimbursable	200,000.00	200,000.00	200,000.00
Payment third installment for water, Yakima, gratuity	.....	100,000.00	100,000.00
Acquisition water rights, Indians, Okanogan County, reimbursable	.....	95,000.00	95,000.00
WISCONSIN.			
Indian school, Hayward, Wis., gratuity	51,550.00	51,550.00	51,550.00
Indian school, Tomah, Wis., gratuity	56,125.00	56,125.00	56,125.00
Support of Chippewas of Lake Superior, Wis., gratuity	7,000.00	7,000.00	7,000.00

[1] Unexpended balance made available. [2] Drawn from tribal funds.

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Item.	Passed House.	Passed Senate.	Agreed in conference.
WISCONSIN—continued.			
Support of Potawatomi in Wisconsin, gratuity	$7,000.00	$7,000.00	$7,000.00
Payment to Stockbridge and Munsee Tribe, gratuity	.....	95,000.00	95,000.00
Purchase of cattle, Oneida School, gratuity	.....	10,000.00	5,000.00
Support of Wisconsin Band of Potawatomies, Wisconsin and Michigan, reimbursable	100,000.00	100,000.00	100,000.00
Sidewalks, village of Odanah, Band River Reservation, reimbursable	.....	1,000.00	(1)
Completion road, Red Cliff Reservation, reimbursable	.....	6,500.00	6,500.00
WYOMING.			
Support of Shoshones in Wyoming, gratuity	15,000.00	15,000.00	15,000.00
Indian school, Shoshone Reservation, Wyo., gratuity	36,025.00	36,025.00	36,025.00
Support of Shoshones in Wyoming, treaty	6,000.00	6,000.00	6,000.00
Repairs, Fort Washakie, gratuity	1,721.66	1,721.00	1,721.00
Irrigation system, Wind River Reservation, reimbursable	50,000.00	50,000.00	50,000.00
Plans and estimates for completing irrigation, Shoshone or Wind River Reservation, gratuity	3,000.00	5,000.00	5,000.00
Roads and bridges, diminished Shoshone Reservation, reimbursable	25,000.00	25,000.00	25,000.00
Payment to Joseph H. Norris, gratuity	.....	257.00	257.00
New bookkeeping system, Indian Bureau, gratuity	.....	12,000.00	(1)
Total	8,961,437.66	11,993,796.44	10,966,037.44

[1] Senate receded.

C. D. CARTER,
CARL HAYDEN,
P. P. CAMPBELL,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. } REPORT No. 652.

THREATS AGAINST THE PRESIDENT OF THE UNITED STATES.

MAY 8, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. WEBB, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 15314.]

The Committee on the Judiciary, having had under consideration the bill (H. R. 15314) to prohibit threats against the President of the United States, report the same back to the House with the recommendation that the bill do pass.

This bill is designed to restrain and punish those who would threaten to take the life of, or inflict bodily harm upon, the President of this Republic. It is the first and highest duty of a Government to protect its governmental agencies, in the performance of their public services, from threats of violence which would tend to coerce them or restrain them in the performance of their duties.

In the opinion of the committee, Congress should recognize this obligation and pass the proposed bill.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 653

ROADS ON THE SPOKANE INDIAN RESERVATION.

MAY 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DILL, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 12123.]

This is a bill to appropriate $2,000 for the construction and maintenance of roads on the Spokane Indian Reservation and as amended provides that said money shall be paid out of the funds of the Spokane Indians now on deposit in the Treasury of the United States. The report of the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 20, 1916.

MY DEAR MR. STEPHENS: Referring to your letter of February 25, 1916, submitting for report a copy of H. R. 12123, providing for an appropriation of $2,000 for the construction and maintenance of roads on the Spokane Reservation, your attention is invited to figures taken from the report of the Commissioner of Indian Affairs for the fiscal year ended June 30, 1915, which shows that in 1909 approximately 626 Indians of the Spokane Reservation were allotted 64,794 acres, and 1,247 acres were set aside for church, school, agency, and town-site purposes. In the same year, the President opened the surplus lands to settlement. Five thousand seven hundred and eighty-one acres were classified as agricultural land, and 82,647 acres were classified as timber land and reserved for tribal use. At the present time there is a population of 611 Indians on the reservation, of which number 472 have trust patents, 39 patents in fee, and 100 are unallotted.

On March 27, 1914, the department reported favorably to the Senate Committee on Indian Affairs on an amendment intended to be proposed, H. R. 12579, Sixty-third Congress, providing for an expenditure of $500 to assist the county in road work, the expenditure to be reimbursed to the United States from the sale or disposition of surplus lands of the reservation, and from any moneys to the credit of the Spokane Indians. A copy of the report is inclosed.

The county has since presented a proposition to expend $800 within the reservation for road work, provided the Indians furnish $1,000. Lack of funds has made it impossible to join in the work.

The present bill is drawn so that the Indians will furnish $2,000 and the county $1,000. According to the records, the Indians have a large amount of land which is untaxable, and I believe that they can well afford to contribute the amount proposed. I would, therefore, recommend that the bill be given favorable consideration.

Cordially, yours,

ANDRIEUS A. JONES,
Acting Secretary.

Mr. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

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MARCH 27, 1914.

MY DEAR SENATOR: I have received your letter of March 11, submitting for report an amendment, proposed by Mr. Jones to H. R. 12579, for an expenditure of $500 to assist the county commissioners of Stevens County, Wash., in the construction of a county road across the Spokane Indian Reservation, to be reimbursed out of any proceeds arising from the sale or disposition of surplus lands on said reservation.

There is approximately $20,000 in the Treasury to the credit of these Indians, derived from the sale of lands belonging to them, but there is no authority of law to use any part thereof except in connection with the allotment, classification, and sale of lands.

The Commissioner of Indian Affairs has had correspondence with reference to this roadwork. For your information, there is inclosed herewith copy of a report received by the commissioner from the superintendent of the Spokane Indian Reservation, on the subject.

From the records, it appears that the construction of the road across the reservation would be a decided benefit to the Indians. However, owing to the depleted condition of the available funds at the disposal of the service at the present time, which might be used in connection with this road work, if Federal aid is to be given the county commissioners in building this highway, a special appropriation will be necessary.

In view of the above facts, it is recommended that the proposed amendment receive favorable consideration.

Very truly, yours,

(Signed) A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

THE SPOKANE INDIAN AGENCY,
Spokane, Wash., February 23, 1914.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Answering office letter of January 19, 1913, regarding a request for Indian Office assistance in the matter of building a county road across the Spokane Indian Reservation, right of way for which was recently granted by the department to the commissioners of Stevens County, Wash., the following report is submitted:

Until good wagon roads are provided for the Spokane Reservation progress among the Spokane Indians will necessarily be slow because of the lack of transportation facilities for marketing their products, now confined to three indifferent hill roads that during certain seasons are very bad and at all times require very long hauls for a large majority of the Indians. This road deficiency also prevents or handicaps the development of nearly all allotments except those in the immediate vicinity of the present poor roads over which Indians are obliged to travel with their cayuse teams. With such a handicap and the poor prospect of better conditions, there is little or no incentive for most of them to do much more than cultivate enough land to furnish them with a bare living. Among intelligent and experienced white pioneers or settlers these obstacles to development would gradually be overcome, but such energy can not be expected from the long dependent Red men.

The valley of the Columbia River north of the west end of the Spokane Reservation is very fertile and rapidly being peopled by a fine lot of settlers, practically all of whom have come into the valley with sufficient means to purchase tracts of land that they are vigorously proceeding to develop, but now find themselves unexpectedly in a pocket. Across the river to the west lies the Colville Reservation, eastward is the mountainous divide between the Columbia and Colville Rivers, while to the south the Spokane Reservation is a formidable barrier that must be pierced to enable them to have an outlet to markets on the south side of the river, there being no railroad in the entire territory. To reach these markets at present a long detour must be made from the lower end of the almost water-grade road down the Columbia to the eastward along the reservation boundary lines, thence southward over the hilly, sandy, and rocky road through the reservation to the Nee Bridge over the Spokane River near its mouth, all of which entails a real hardship and great loss of time for the settlers, who have not as much time to spare as their red brethren.

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The proposed road follows the water grade down the Columbia until it reaches a point a short distance north of the Government town site at the junction of the Columbia and Spokane Rivers, where it diverges to the east, passing along the east and west dividing line between the town site and the Spokane Agency Reserve, thence south by twists and turns to the Nee Bridge. This diversion involves a series of steep grades in getting down to the bridge which could undoubtedly be avoided by crossing the town site nearer the Columbia over such of the platted streets as may offer a better grade and shorter line of travel.

Stevens County, in which the Spokane Reservation wholly lies, has a very large area, much of which is but thinly settled, and its financial resources are very limited—so much so that it will not be able to construct the proposed road without assistance, owing to an unusual expense that will be necessitated by a lot of rockwork at a point on the reservation known as the "Big Rock," where a bluff butts into the river. Excepting at that point construction will not be a difficult matter, and a water grade can be made practically the entire distance across the reservation, affording an easy and scenic line of communication that would be a godsend to these isolated white settlers, and of equal or greater benefit to the Indians of the west end: for while only seven allotments would be crossed, all with a minimum amount of damage that would be more than offset by the resulting increase in their value, a great many other allotments now unimproved would be placed within easy access to the road, thus leading to their occupancy by the allottees, or give to them a good rental value, now lacking by reason of their isolation.

Of the seven allotments crossed, two are those of deceased children of an old, blind widower, whose near-by allotment will be greatly enhanced in value and bring a fine rental or sale price. Another is that of an intelligent woman to whom a fee simple patent has been issued. Two others belong to an old man and an old woman who will be much benefited, for they are unable to make any improvements and are now dependent upon agency assistance. The remaining allotment directly affected is that of a little schoolgirl. Many minors are allotted in that vicinity, their lands not yet fenced, and no development of the property by parents or lessees can be expected until wagon-road facilities, now nonexistant, are provided.

For the foregoing reasons I strongly recommend that some means be found to enable the Spokane Indians to contribute a fair share of money toward the construction of the proposed road, for every public utility that improves conditions among the whites in the vicinity of the reservation will bring the homes of these Indians in closer touch with civilization, while good roads will aid them equally with the whites and hasten the day of their independence.

Unfortunately the Spokanes are practically destitute of tribal funds, although possessing timber resources of nearly 1,000,000 feet, this being so isolated at present that it can not be economically or profitably marketed until convenient railway transportation facilities and good wagon roads are provided, so that any sum set aside to assist in the building of this much-needed county project would have to come from the general reimbursable fund, or else be specifically appropriated by Congress.

In comparison with many other tribes the Spokanes have not fared well at the hands of the Government, though among the most deserving, and a good opportunity is here offered to do a double act of justice by aiding worthy settlers who are struggling against adverse circumstances to develop a most promising section of this new country, at the same time assisting our willing but ignorant red wards in getting on their feet.

If $500 contributed in behalf of the Spokane Indians will assure the building of this road it will be about the most profitable investment that could be made for them with that amount of money, which would be many times returned in future benefits. It would also go far toward removing a natural and almost excusable prejudice existing in the minds of many good western people against the Indian and his reservation as obstacles in the path of progress.

I have marked the course of the proposed road across the reservation on the map accompanying the office letter, and this, with the letter from Senator W. L. Jones and its inclosures. is herewith returned.

Respectfully,

JOHN McA. WEBSTER,
Superintendent and S. D. A.

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Your committee after carefully considering the bill recommend it be amended as follows:

Strike out all of the words after the word "of" in line 3 and all of words in line 4, and insert in lieu thereof the following: "any funds in the Treasury of the United States to the credit of the Spokane Indians in the State of Washington not otherwise appropriated the."

The committee reports the bill favorably as amended and recommends that it do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 654.

RELIEF OF CERTAIN SETTLERS UNDER THE YUMA RECLAMATION PROJECT, ARIZ.

MAY 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HAYDEN, from the Committee on Irrigation of Arid Lands, submitted the following

REPORT.

[To accompany H. R. 10116.]

The Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 10116) for the relief of certain settlers under reclamation projects, having carefully considered the same, reports the bill to the House with amendments and recommends that the bill, as amended, do pass.

Strike out all after the enacting clause and insert in lieu thereof the following:

That any person who has heretofore established residence upon and improved any tract of land within the irrigable area of the Yuma reclamation project in Arizona, withdrawn from entry under the provisions of the reclamation law and acts supplementary thereto and amendatory thereof, and who shall have made valuable improvements upon such lands, and who has resided thereon in good faith for two years prior to the passage of this act, may make entry for the farm unit upon which his residence is established, and that such residence and improvements heretofore made shall be credited upon his final proof.

Amend the title to read: "A bill for the relief of certain settlers under the Yuma reclamation project, Arizona."

The Department of the Interior favored the enactment of this measure as originally introduced, as is shown by the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1916.

Hon. W. R. SMITH,
Chairman Committee on Irrigation of Arid Lands,
House of Representatives.

MY DEAR MR. SMITH: I am in receipt of your letter of January 28, 1916, transmitting a copy of H. R. 10116, entitled "A bill for the relief of certain settlers under reclamation projects," requesting my views thereon and any suggestions regarding the same.

The bill in question provides that persons who have heretofore established residence upon and improved lands within the irrigable area of a reclamation project, withdrawn

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from entry under the provisions of the reclamation act of June 17, 1902 (32 Stat., 388), and acts supplementary thereto and amendatory thereof, and who shall have made bona fide improvements upon such lands and have resided thereon in good faith for two years prior to the passage of the proposed legislation, may make entry for the farm unit embracing the tract upon which such residence has been established, notwithstanding the provisions of section 5 of the act of June 25, 1910 (36 Stat., 835), and acts amendatory thereof; and further provides that the homestead entry of any entryman who has heretofore establsihed residence upon any such tract of land and who shall have resided thereon in good faith for two years prior to the passage of the proposed legislation and who has placed bona fide improvements on the land, is thereby validated.

This bill will afford relief to a few persons who have, in good faith established residence upon withdrawn lands, without knowledge of the specific prohibition contained in the act of June 25, 1910, above referred to, and who had no intention of trespassing upon the lands on which they settled. In line 8, page 1, the word "have" should read "has". With this change I see no objections to the proposed legislation and recommend the enactment thereof.

Cordially, yours,

FRANKLIN K. LANE, *Secretary*.

Upon mature consideration, however, the committee arrived at the conclusion that it might be unwise to pass a general act affecting all reclamation projects and therefore decided to recommend that the bill be amended so as to confine it to the Yuma project which, so far as the committee is aware, is the only reclamation project where settlers on withdrawn lands are at present seeking relief.

According to information furnished by the Department of the Interior the enactment of this bill, as amended, will enable 13 settlers, who have heretofore made application to enter an aggregate area of 840 acres of withdrawn land, to make entry for the farm units on which they have made valuable improvements and have resided for two years prior to the passage of this act.

The lands in question were withdrawn from settlement and entry by the Secretary of the Interior on July 1, 1904, and July 20, 1905, under the provisions of section 3 of the act of June 17, 1902 (32 Stat., 388), and the withdrawals are still in force. The names of the settlers and the years in which they made settlement are as follows: George A. Evinger, 1911; J. F. Margrave, 1909; Verne V. Margrave, 1909; John W. Gray, 1909; George W. Sells, 1906; Joseph B. Emberly, 1913; M. L. Sells, 1908; M. D. Babb, 1907; L. T. Jackson, 1907; Ysmael Rico, 1908; Caesario Chavez, 1907; R. W. Cavanagh, 1906; and Thomas B. Cheely, 1911.

The committee is of the opinion that there is no good reason why settlers in actual occupation of the land and who have made valuable improvements thereon should not be permitted to enter the particular farm unit on which they are now residing. As between the actual occupant of the land, who has been living upon and cultivating it, and one who merely presents an application therefor after the land is opened to entry, it would appear that the actual occupant should be given the preference.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 655.

EFFICIENCY OF THE PUBLIC HEALTH SERVICE.

MAY 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. O'SHAUNESSY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 204.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 204) to promote the efficiency of the Public Health Service, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Treasury Department, as will appear by the letter attached and which is made a part of this report.

PURPOSE OF THE BILL.

The general purpose of the bill is (1) to remove a disparity between the compensation received by officers attached to regular stations at which quarters belonging to the United States are provided and that received by officers on duty in places where no such quarters are provided; (2) to adjust the pay of officers serving beyond the continental limits of the United States or on sea duty; (3) to increase the limits of allowance for baggage and personal effects to an officer in changing stations; (4) to fix the method of appointment and define the term of office of the Surgeon General; (5) to provide for the promotion of assistant surgeons after three years of commissioned service and after satisfactory examination; (6) to authorize the commissioning of the three chiefs of division now in the Hygienic Laboratory and the appointing as professors in the Public Health Service of five research workers skilled in matters pertaining to the conservation and improvement of the public health.

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ANALYSIS OF THE BILL.

The commutation of quarters for officers of the Public Health Service was fixed by the regulations of 1897, prior to any law on the subject, and these regulations were enacted into law by section 2 of the act of July 1, 1902.

Commissioned officers of the Public Health Service are by law subjected to military duty in time of war. In addition, then, to being exposed to the same hazard of military duty as the commissioned medical officers of the Army and Navy, they are constantly subjected to the more serious risks of epidemic duty in time of peace.

The commutation of quarters now received by officers of the Public Health Service is considerably less than that received by officers of similar grades in other Government services, as is shown by the following tables:

Comparative table of commutation of quarters for medical officers of the Public Health Service, United States Army, and United States Navy.

United States Public Health Service.			United States Navy Medical Corps.		United States Army Medical Corps.	
Title.	Allowance.	Contemplated.	Title.	Allowance.	Title.	Allowance.
Surgeon General	.....	$1,152	Surgeon General	$1,152	Surgeon General	$1,152
Assistant Surgeon General.	$600	1,008	Medical director	1,008	Colonel	1,008
Senior surgeons	600	864	Medical inspector	864	Lieutenant colonel	864
Surgeon	600	720	Surgeon	720	Major	720
Passed assistant surgeon.	480	576	Passed assistant surgeon.	576	Captain	576
Assistant surgeon	360	432	Assistant surgeon	432	First lieutenant	432

Officers of the United States Army and of the United States Navy, when not occupying quarters, are allowed approximately $2.50 per month a room for fuel and light. This allowance is not made to officers of the Public Health Service.

Commutation of quarters for commissioned officers of the United States Revenue-Cutter Service.

Captain commandant	$1.008
Senior captain	864
Captain	720
First lieutenant	576
Second lieutenant	432

Officers of the United States Revenue-Cutter Service when not occupying quarters are allowed approximately $2.50 per month a room for fuel and light. This allowance is not made to officers of the Public Health Service.

The amount of commutation now allowed in lieu of quarters to officers of the Public Health Service is less than is the actual rental value of the quarters provided by the service where such quarters are provided at all. Thus there is effected a discrimination in emoluments against officers not attached to stations at which there are quarters. The especially onerous and hazardous duties associated with field investigations and the control of epidemics are usually performed by officers not provided with Government quarters. Officers who have become qualified for and who much of their time are on such impor-

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tant duty should not, as a consequence, be subjected to what amounts to a reduction in pay.

There is now no provision in law for commutation of quarters for the grades of Surgeon General, Assistant Surgeon General, or senior surgeon. The Surgeon General receives no commutation of quarters, officers in the grade of Assistant Surgeon General receive the commutation of quarters authorized for their respective commissioned grades, and officers in the grade of senior surgeon receive the same commutation of quarters which they received before their promotion from the grade of surgeon.

Section 1 of the bill contemplates a correction of the existing discrepancies respecting quarters for officers of the service. As a basis for this correction the commutation now drawn by Army and Navy officers of like grades has been selected.

The contemplated additional 10 per cent of salary and increase for foreign service is for the purpose of partially offsetting the material reduction in foreign allowances effected by the rearrangement of rates for commutation of quarters provided by the bill.

The additional 10 per cent of salary and increase for sea duty is in lieu of commutation of quarters which officers do not receive while on such duty, and this is the usual allowance for sea duty in the other Government services.

The maximum allowance for baggage and personal effects to an officer in changing stations, as stipulated in the bill, is the same as that now provided by law for officers of the Army, Navy, and Revenue-Cutter Service.

Section 2 provides for appointment of the Surgeon General from among officers in the grade of senior surgeon or surgeon, and thus assures the appointment of an experienced officer to the position.

This section also provides for the promotion of assistant surgeons to the grade of passed assistant surgeon after commissioned service of three years instead of four years, and thus affords an additional inducement for men to enter and remain in the service. This is the course pursued in other Government services.

The commissioning of the three chiefs of divisions now in the Hygienic Laboratory involves no increased expenditure, but is purely administrative in character. These chiefs of divisions are not now required to be commissioned, and this provision will give them a fixed status and tend to retain them in the service.

The commissioning of five skilled research workers as professors in the Public Health Service, in addition to the Chiefs of the Divisions of Zoology, Pharmacology, and Chemistry in the Hygienic Laboratory, is particularly important because of the additional force of men of this type needed to carry out the broad functions given the service by the act of August 14, 1912.

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COST OF PROPOSED MEASURE.

The enactment of the bill (H. R. 204) will entail an increase in expenditures of about $53,000 per annum, as is shown by the following table:

Itemized statement of cost of proposed measure.

Officers in the Public Health Service, May 1, 1916.		Number of officers not provided with quarters May 1, 1916.	Present commutation.	Proposed commutation, at $12 per month per room.	Commutation for fuel and light.[1]	10 per cent for foreign or sea duty.	Total increase proposed by bill.
Number.	Grade.						
1	Surgeon General	1	.....	$1,152	$240	.....	$1,392
7	Assistant Surgeon Generals	6	$3,600	6,048	1,260	.....	3,708
13	Senior surgeons	5	3,000	4,320	900	.....	2,220
74	Surgeons	38	22,800	27,360	5,700	.....	10,260
		[2] 4	4,320	2,880	600	$1,570	730
		[3] 1	600	864	180	.....	444
37	Passed assistant surgeons	25	12,000	14,400	3,000	.....	5,400
		[2] 3	3,060	1,728	360	864	[4] 108
62	Assistant surgeons	34	12,240	14,688	3,060	.....	5,508
		[2] 1	960	432	90	200	[4] 238
		[5] 6	.....	.....	.....	1,200	1,200
							30,516
	5 professors, at pay and allowances for senior surgeon	.....	.....	.....	.....	.....	22,720
	Total	.....	.....	.....	.....	.....	53,236

[1] To be fixed by Secretary of Treasury, estimated to cost $2.50 per month per room.
[2] Foreign.
[3] Director of Hygienic Laboratory: receives pay and allowance of a senior surgeon.
[4] Decrease.
[5] Revenue cutter, sea duty.

EFFECT OF PROPOSED MEASURE.

The provisions in this bill appear just and reasonable. Their enactment unquestionably will tend to induce desirable men to enter the service and to induce highly qualified men to remain in the service, and thus promote the rate of growth and development of the Public Health Service, whose operations are of vital importance to the country.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 18, 1916.

The CHAIRMAN,
Committee on Interstate and Foreign Commerce,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your communication of the 21st ultimo inclosing copy of bill H. R. 204, "To promote the efficiency of the Public Health Service," and asking for the views of this department concerning the bill.

It is evidently the purpose of the bill to correct the disparity in allowances for certain grades of officers in the Public Health Service, and to regulate the status of the chiefs of divisions in the Hygienic Laboratory.

Section 1 of this bill makes provision for the commutation of quarters, fuel, lights, and baggage allowance which the act approved August 14, 1912, failed to do.

Section 2 of the bill provides that vacancies in the grade of Surgeon General shall be filled by appointment from among the commissioned medical officers not lower in grade than surgeon. This does not prevent the reappointment of an efficient in-

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cumbent of office for a further term of service, but in case of his failure to be reappointed, provides that he shall be made an Assistant Surgeon General, thus making available the services of a valuable and experienced officer in that grade.

At present assistant surgeons are promoted to the grade of passed assistant surgeons at the expiration of four years. The increased duties imposed on the Public Health Service demand men of greater age and experience, and it is extremely desirable to retain the best men possible after their efficiency has been proved by the careful physical and mental examinations.

Section 3 of the bill provides that the chiefs of the divisions of zoology, pharmacology, and chemistry in the Hygienic Laboratory shall be commissioned as such, and that they shall be entitled to leaves of absence as now provided by law for the commissioned officers of the Public Health Service. This section further provides that five additional professors shall be appointed in the Public Health Service with special qualifications in sanitary engineering, epidemiology, pathology, bacteriology, housing, or other matters that relate to the propagation and spread of disease. In this way experienced men will be obtained to carry on work of a highly technical character which the Public Health Service is expected to perform in accordance with existing law.

The provisions of bill H. R. 204 receive the approval of the department and its passage is respectfully recommended.

Respectfully,

W. G. McAdoo,
Secretary.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 656.

PROVIDING FOR THE SALE OF CERTAIN INDIAN LANDS IN OKLAHOMA.

MAY 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 11958.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11958) providing for the sale of certain Indian lands in Oklahoma, and for other purposes, having carefully considered the same, recommends that the bill be amended, and that as amended the bill do pass.

Amend the bill by striking out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior is hereby authorized and directed, upon application therefor, to sell to the county of Tillman, State of Oklahoma, at $1.25 per acre, not exceeding one hundred and sixty acres, for county farm purposes, and to the town of Grandfield, Oklahoma, not exceeding forty acres, for cemetery purposes, of vacant undisposed of lands within the town site reserves in the State of Oklahoma, withdrawn by Executive orders under the act of March twentieth, nineteen hundred and six (Thirty-fourth Statutes at Large, page eighty), the money received from the sale of said lands to be deposited in the Kiowa Indian Agency hospital fund, and to draw interest at the rate of four per centum per annum.

The following statement was submitted to the Secretary of the Interior in asking for a report on H. R. 11958:

According to a departmental order dated September 12, 1906, there were set aside certain 320-acre tracts of land in what was formerly the Kiowa, Comanche, and Apache Indian Reservations in Oklahoma, for town-site purposes. Lots were advertised and sold to the highest bidder, conditioned that in the event of nonpayment of any payment title should revert to the Government. According to the records, there were approximately from 30 to 50 purchasers in each town site who made final payments and received

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patents to the lots acquired, leaving the larger portion of these 320-acre tracts undisposed of. Soon after the Government lot sale the Wichita Falls & Northwestern Railroad Co. constructed a railroad through this section, it missing all of the Government town sites.

The town of Grandfield was established 2 miles from the Government town site of Eschita. This finally resulted in all of the buildings being removed to the railroad. From the information secured, approximately $50,000 was realized from the sale of lots and forfeitures in this one town site alone, which amount of money was credited to the Indian tribes. Inasmuch as citizens who now live at Grandfield once were property owners and residents of Eschita, they naturally feel that the Government should deal kindly with them when they ask for legislation giving them the privilege of purchasing 40 acres for a cemetery, at $1.25 per acre. They have in the past used a portion of this town site for a cemetery, and this legislation will give them the privilege of continuing so to do.

According to legislation passed in 1913 affecting this same subject, the county commissioners of Comanche County were given the right to purchase 160 acres of land to be used as a county farm, at $1.25 per acre. Inasmuch as this was done it is thought that the same privilege should be given to the commissioners of Tillman County. The Government has assisted Comanche County by providing public buildings and giving them a portion of the proceeds of their Government lot sale, while, on the other hand, Tillman County, being new, has not shared in this benefit and does not at this time own a courthouse. Not only this, a large portion of the lands within its borders were formerly owned by the various Indian tribes and were not subject to taxation until the purchaser had made final payment and received a patent for the same. Such a condition has worked a hardship on this county, and for this reason it is asked that the commissioners of Tillman County be given the right to purchase this amount of land to be used for county farm purposes.

It is estimated that the various Indian tribes have received approximately $75,000 to $100,000 from the proceeds of the lots in these abandoned town sites, and inasmuch as the larger portion of these town sites is now valuable, this legislation will in no way affect the rights of any individual.

The Secretary of the Interior has made the following favorable report on the bill:

DEPARTMENT OF THE INTERIOR,
Washington, May 2, 1916.

MY DEAR MR. STEPHENS: With reference to H. R. 11958, which proposes the vacation of Executive orders setting apart for town-site purposes certain lands in the former Kiowa, Comanche, Apache, and Wichita Indian Reservations in Oklahoma, and the disposition of lands at public sale, with the exception of 160 acres, which it is proposed to permit to be sold to Tillman County, Okla., and 40 acres to the town of Grandfield, Okla., I have to advise that the Commissioner of Indian Affairs states that in each of the town sites in question lots have been sold and a part or all of the purchase price paid. The total amount so paid is said to be $64,679, and the commissioner advises against the revocation of the withdrawals unless an appropriation of the amount named be made to reimburse the town-lot purchasers, provided they are willing to accept such settlement.

Under all of the circumstances, I deem it inadvisable at this time to recommend the enactment of that part of the bill which proposes to vacate the town-site reservations. I see no objection, however, to permitting the county commissioners of Tillman County to purchase not exceeding 160 acres in any one of such withdrawn areas

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not heretofore disposed of, and the same is true with respect to the town of Grandfield, which desires to acquire not exceeding 40 acres for cemetery purposes. I have therefore to recommend that H. R. 11958 be amended to read as follows:

"A BILL To provide for the sale of certain Indian lands in Oklahoma, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is hereby authorized and directed, upon application therefor, to sell to the county of Tillman, State of Oklahoma, at $1.25 per acre, not exceeding one hundred and sixty acres, for county farm purposes, and to the town of Grandfield, Oklahoma, not exceeding forty acres, for cemetery purposes, of vacant undisposed-of lands within the town-site reserves in the State of Oklahoma, withdrawn by Executive orders under the act of March twentieth, nineteen hundred and six (Thirty-fourth Statutes at Large, page eighty), the money received from the sale of said lands to be deposited in the Kiowa Indian Agency hospital fund, and to draw interest at the rate of four per centum per annum."

So amended, I recommend that H. R. 11958 be enacted.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 657.

TOWN SITE OF NEWELL, S. DAK.

MAY 8, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GANDY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 12889.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 12889), being an act to provide for the disposal of the unsold and unappropriated portions of the land heretofore reserved for town-site purposes at Newell, S. Dak., and for other purposes, having had the same under consideration, respectfully recommend that it be amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to reserve and set apart such portions of the unsold and unappropriated lands within the town site of Newell, Butte County, South Dakota, as he deems necessary for administrative purposes in connection with the Belle Fourche irrigation project, and after subdividing the remaining portions of such lands into tracts that in his judgment would render the same most salable and, appraising the reasonable value of each such tracts, sell the same, for not less than the appraised value, at public auction to the highest bidder, on such terms and under such rules and regulations as he may establish.

SEC. 2. That the proceeds of such sale, after deducting all expenses incurred in the subdivision, appraisement, and sale of said land, shall be covered into the Treasury of the United States, in a special fund, available only for expenditure by the Secretary of the Interior, to provide the said town of Newell, Butte County, South Dakota, an adequate system of water supply for domestic purposes, under such terms and conditions as may be prescribed by the Secretary of the Interior, or for such other and further public improvements as the Secretary of the Interior and the municipal authorities of said town may agree upon.

SEC. 3. That the Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary for carrying into effect the provisions of this act.

Strike out the title and insert in lieu thereof the following:

A Bill Authorizing the Secretary of the Interior to sell the unsold and unappropriated portions of lands within the town site of Newell, South Dakota, and for other purposes.

And as so amended that the bill do pass.

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On the Belle Fourche irrigation project in South Dakota a town site was named "Newell," in honor of the then Director of the Reclamation Service. This town site was under the jurisdiction of the Reclamation Service, and on December 2, 1910, the first town-lot sale was held. Some subsequent sales have taken place, and to date approximately 100 acres of the town site has been disposed of. There remains unsold and unreserved by the department for use in connection with the reclamation project approximately 500 acres of the town site.

On October 1, 1909, the Chicago & Northwestern Railway Co. issued an illustrated descriptive booklet on the Belle Fourche irrigation project on which work was then under way. The front cover page carried the following words:

Belle Fourche irrigation project, South Dakota. Information compiled by the United States Reclamation Service, October 1, 1909.

The back cover page contained the following:

Further information may be obtained by addressing any of the following:
Project Engineer, United States Reclamation Service, 777 Federal Building (Post Office), Chicago, Ill.

The booklet had every indication of being a Government publication, and no words appeared anywhere therein to show that it was issued by the railroad company.

In that section of the booklet devoted to "Town sites and community life," the following paragraph appeared:

A new town for which a section of land has been reserved is to be built by the Government in the center of the irrigated district. The Government will conduct the sale of lots and with the proceeds streets will be laid out, a sewerage system constructed, and every possible measure taken to improve and beautify the site. From its convenient location this site will doubtless become the center of numerous and varied enterprises, such as sugar-beet factories and canneries, and will furnish a home market for the products of the valley. The Belle Fourche Valley & Northwestern Railroad are now building to this town site, and as soon as opened will become a shipping point for the large territory of the irrigated land as well as miles of country lying to the north and east upon the project, which is settling up very fast with dry farmers.

At the time that information was given out there was pending in Congress legislation which contemplated doing on reclamation town sites that which was promised to be done on the town site of Newell. That legislation failed to be enacted, and thus far nothing has ever been done to right the wrong that this mistaken promise did to those who purchased town lots on the Government town site of Newell.

The following letter from the president of the Chicago & North Western Railway Co. is self-explanatory as to the responsibility for the promise above referred to:

CHICAGO, ILL., *February 8, 1916.*

Hon. HARRY L. GANDY,
Washington, D. C.

MY DEAR SIR: Referring to your letter of January 28. The text matter for the Belle Fourche booklet printed in 1909 was furnished and finally approved by Mr. C. J. Blanchard, statistician, Department of the Interior, United States Reclamation Service, Washington, D. C.

We have since printed two editions of this booklet with this information eliminated. A copy of the booklet just recently issued was made up also from text matter furnished by Mr. Blanchard. If there is any further information you wish in connection with this matter, will be pleased to furnish it.

Yours, respectfully,

W. A. GARDNER, *President.*

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The booklets above referred to were not only distributed by the railroad company, but a large number of them were turned over to the Reclamation Service and distributed from the then Chicago office of the service in the Federal Building in that city. Thus scores of persons who received these booklets through the United States mail from officers of the Reclamation Service in the Federal Building in the city of Chicago, attended the town-lot sale and purchased lots thinking that the promise would be carried out, that the money received from the sale of the lots would be expended for public improvements on the town site.

The Public Lands Committee well realizes that no legal claim exists against the Govermnent because of this mistaken promise, but at the same time in this particular case the good name of the Government is at stake, and it is needless to point out that had this misrepresentation been made by private individuals in connection with the sale of lots on a private town site a criminal charge of fraud would have been in order against the guilty parties. Officials of the Reclamation Service acted in good faith, for it was confidently believed that legislation would pass giving the desired authority to the Reclamation Service.

Approximately 16 per cent of the town site has thus far been plotted and sold, and because of the deferred payments only a fraction of that is to-day assessable for taxation. This town site is in the center of the Belle Fourche reclamation project, and it must be recognized that as the town develops so will the country around it develop and vice versa. Thus in rendering assistance to the town, assistance will indirectly be rendered to the water users who market their products and transact their business at Newell.

The town-site land carries with it no water right and hence is on a par with dry land anywhere. This town site is located on a gumbo flat, and except for the reclamation project this land would not have sold in private ownership for to exceed a few dollars an acre. In this connection attention is called to the fact that for the town-site land which has been sold, less than 100 acres, over $55,000 has been received and added to the reclamation fund. If this bill is enacted into law, the remaining portion of the town site will be sold as dry lands, and whoever purchases a tract or tracts of this land must purchase a water right under the Belle Fourche project before water for irrigation purposes will be available. Water rights at this time cost $40 per acre; and when water rights are secured for the unsold and unappropriated portion of the town site the reclamation project will thereby be the gainer.

The town of Newell has been very seriously handicapped because of the large amount of Government land remaining unsold on the town site, and because of the further fact that deferred payments on town lots sold did not permit those lots to be assessed for taxation. Thus in the main the affairs of the municipal corporation have been administered with funds raised by the taxation of improvements and personal property. The town site was so located that water for domestic and drinking purposes is not available and must be hauled from the springs and wells in the surrounding territory or the water from cisterns used. The lack of water for fire protection makes insurance rates exceptionally high and has discouraged the construction of substantial buildings. A water system is very

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badly needed, and it is the opinion of the Public Lands Committee that the unappropriated and unsold portions of the town site will, if sold according to the terms of this bill, provide funds for the installation of an adequate water system.

Sufficient town lots have been sold for the needs of the town, and it is proposed to plot the remainder into such acreage tracts as will assure the most advantageous sale.

This bill was referred to the Interior Department for report and recommendation, and the Secretary submitted report to the committee as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 26, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have your request of March 10, 1916, for report on H. R. 12889, entitled "A bill authorizing the Secretary of the Interior to convey certain land to the town of Newell, S. Dak., and for other purposes."

The bill directs the Secretary of the Interior to convey to the municipal corporation of the town of Newell all unsold portions of the town site except those deemed necessary for administrative purposes of the project, and authorizes the town to use the proceeds of the sale of the lots or tracts of the land transferred for the construction of municipal improvements, under such rules and regulations as may be provided by the Secretary of the Interior.

After the location of this town site, literature was sent out wherein the statement was made that "The Government will conduct the sale of lots, and with the proceeds streets will be laid out, a sewer system will be constructed, and every possible means taken to improve and beautify the city." At the time this literature was published there was pending in Congress a bill authorizing such procedure but the bill did not pass. Conditions are such that aid is advisable for municipal improvements in connection with this town site, especially the providing of a water system for domestic use. Owing to the peculiar conditions which surround this particular town site, I am induced to favor the purposes of this bill, without, however, its being considered a change of policy on the part of the department with reference to reclamation town sites generally.

I recommend, however, that the bill be amended so as to read substantially as follows:

"1. That the Secretary of the Interior be, and he is hereby, authorized and directed to reserve and set apart such portions of the unsold and unappropriated lands within the town site of Newell, Butte, County South Dakota, as he deems necessary for administrative purposes in connection with the Belle Fourche irrigation project, and after subdividing the remaining portions of such lands into tracts that in his judgment would render the same most salable and appraising the reasonable value of each such tracts, sell the same for not less than the appraised value at public auction to the highest bidder on such terms and under such rules and regulations as he may establish.

"2. That the proceeds of such sale, after deducting all expenses incurred in the subdivision, appraisment, and sale of said land, shall be covered into the Treasury of the United States, in a special fund, available only for expenditure by the Secretary of the Interior, to provide the said town of Newell, Butte County, South Dakota, an adequate system of water supply for domestic purposes, under such terms and conditions as may be prescribed by the Secretary of the Interior, or for such other and further public improvements as the Secretary of the Interior and the municipal authorities of said town may agree upon.

"3. That the Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary for carrying into effect the provisions of this act."

As above amended, and for the reasons herein stated, I recommend the passage of the bill.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

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RESOLUTION BY TOWN BOARD OF TRUSTEES OF THE TOWN OF NEWELL, S. DAK.

Whereas said town of Newell is the United States Government town site, comprising 600 acres, located within the Belle Fourche reclamation project, a Government irrigation project; and

Whereas the booklet which describes the Belle Fourche project, entitled on its front cover page as follows: "Belle Fourche irrigation project, South Dakota, information compiled by the United States Reclamation Service, October, 1909," and on its back cover page the following: "Further information may be obtained by addressing any of the following: Project Engineer, U. S. R. S., Belle Fourche, S. Dak.; The Statistician, U. S. R. S., Washington, D. C.; Information Bureau, U. S. R. S., 777 Federal Buliding (post office), Chicago, Ill.," has every indication of being a Government publication issued by the United States Reclamation Service, and would be taken as such by all those into whose hands it might fall, which booklet at the bottom of page 9 and the top of page 10 contains the following paragraph: "A new town, for which a section of land has been reserved, is to be built by the Government, will conduct the sale of lots, and with the proceeds streets will be laid out, a sewage system constructed, and every possible measure taken to improve and beautify the city. From its convenient location this city will doubtless become the site of numerous and varied enterprises, such as sugar-beet factories and canneries, and will furnish a home market for the products of the valley;" and

Whereas the aforesaid booklet had wide circulation throughout the whole United States in 1909 and 1910, as well as thereafter, and that people from nearly every State in the Union were attracted to this project and town by the representations of said booklet, and that it is fair to assume that the people who came here had full faith and credit and confidence in the said promises, and that they had full expectations of seeing the same realized and fulfilled, and that the same were part of the inducements that led them to come to this project, and that they have been and still are greatly disappointed that Congress has not yet provided for the fulfillment of the promises made by the Reclamation Service respecting the said municipal improvements; and

Whereas the United States Government on December 27, 1910, and on subsequent dates, conducted sale of town lots comprising parts of said town site, the total sales of which amount to about 100 acres, and amount in value to about $55,000 collected, with considerable amount not collected, and that the unsold portion of the town site is approximately 500 acres; and

Whereas the said moneys from sale of lots has been or will be turned into the general reclamation fund or into the fund for the local project, and no part of said funds has been expended for municipal improvements in the town of Newell, as outlined in the project booklet above quoted.

Whereas the Newell town site was located, platted, and controlled by the United States for the purpose of aiding the United States Government's project, and that the town might in a considerable degree contribute to the welfare of the project educationally, socially, and economically, and otherwise; and

Whereas the town as located by the United States Reclamation Service is on a high, dry area of heavy gumbo soil, where no natural supply of household water is on or near the surface of the ground, and where an artesian supply is problematical and at best would be from 2,000 feet to 3,000 feet deep and the supply then uncertain and the quality uncertain, causing search therefor to be about a $10,000 experiment according to estimates furnished, and where the insurance rates against loss by fire in the business portion of the town run from 5 to 8 per cent per annum, and where a supply of water from the Government canal stored in a reservoir and piped to town would cost at least $25,000, and the quality then would be very hard and bad, and where the streets are of heavy gumbo soil, almost impassable in wet weather, with no supply of gravel within 6 miles, thus making the cost of graveling or macadamizing prohibitive, all of which adverse conditions prevent the town of Newell from playing the part that was contemplated in the development of the local Government project; and

Whereas there is great need for municipal improvements in the way of crossings, walks, distributing system for water to irrigate the town tracts of land, for graded and macadamized streets, a town lighting system, a town hall, and above all a water system for household use and for better fire protection, so that the town may be an attractive, comfortable, and healthy place to live, and contribute to the development of the project what was expected of it in the locating and platting of the town by the Government; and

Whereas the citizens of the town can not afford to establish the necessary municipal improvements by personal subscription, and can not establish them by taxes and

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bonds because of the limited assessable property and the limited rate in levying for taxes and bonds would not raise sufficient money (and if taxes and bonds could raise sufficient funds the annual charges thereof would be so very high that people would be driven from the town), our assessable property being limited to the personal property and the small area of the town site that is patented (the land sold on installment payments, by the Government, and the unsold Government land not being assessed for taxes); and

Whereas we assume that the well-established rules of law and fair dealing which are necessary in dealings between individuals or corporations should be the guiding policy of the Government in the promoting of this Government town site, to the end that any representations made in the booklets describing this project and this town should be faithfully carried out; and

Whereas on the 22d day of May, 1911, the directors of the Belle Fourche Valley Water Users' Association passed a resolution, copy of which is attached, favoring the proposition of one-half the proceeds from sale of town lots to go into local project fund, and one-half thereof to be spent for municipal improvements in Newell: Therefore be it

Resolved, By the trustees and officers of said town of Newell, S. Dak., that the Congress of the United States be petitioned to enact a law that the remaining unsold portion of the Government town site of Newell, S. Dak., be deeded to the incorporated town of Newell, S. Dak., and that the proceeds derived from the sale of such lands be invested in municipal improvements for said town under such restrictions as to Congress may seem just and proper.

Respectfully submitted.

INCORPORATED TOWN OF NEWELL, S. DAK.
By JOHN ANDERSON, *President*.
CHAS L. MCWILLIAMS, *Clerk*.
A. E. WALKER, *Treasurer*.
L. D. ROSEBRO.
WILLIAM QUINN, *Trustees*.
H. PAULSON, *Assessor*.
W. C. HILLS, *Justice of Peace*.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 658.

CLAIMS AGAINST THE CHOCTAW AND CHICKASAW NATIONS.

MAY 9, 1916.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MURRAY, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 10555.]

The Committee on Indian Affairs, to whom was referred the bill H. R. 10555, being a bill referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims, having carefully considered the same, recommends that the bill be amended and as amended the bill do pass.

Amend the bill as follows:

Page 1, line 4, strike out the word "all" and insert in lieu thereof the words "the following."

Page 1, line 8, strike out entire line except the word "for."

Page 2, line 18, after the word "set-off," strike out the semicolon and insert the following: "against either the assignors or the assignee of said claim, all statutes of limitations against said set-offs or counterclaims being hereby waived."

Page 2, line 22, after the semicolon following the word "claims" insert the following: "*Provided*, That if any of such leases are found not to be underlaid with merchantable coal the same shall be canceled."

The bill as amended will read as follows:

A BILL Referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the following claims of J. F. McMurray, as assignee of the firm of Mansfield, McMurray and Cornish, against the Choctaw and Chickasaw Nations of Indians, or either of them, for professional services rendered for said nations in the case of "The Choctaw and Chickasaw Nations versus The United States and the Chickasaw Freedmen," under Act of Congress approved July first, nineteen hundred and two, entitled "An act to ratify and confirm an agreement with the Choctaw and

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Chickasaw Tribes of Indians, and for other purposes," and for expenses incurred under sections thirty-one, thirty-two, and thirty-three of the same act of Congress and for payment of two unpaid Chickasaw warrants issued by tribal authorities under act of legislature of the Chickasaw Nation approved by the governor of the Chickasaw Nation on September twentieth, eighteen hundred and ninety-nine, and afterwards by the President of the United States; and to render judgment therefor in such amount or amounts as may be found to be due thereon, together with interest from the date of such services or payments at the legal rate of interest prevailing at the time and place of such transactions; which judgment, if any, against said nations or either of them shall be paid by the Treasurer of the United States out of the funds of said nations as their interests may appear: *Provided*, That as to any such claims so sued upon the Choctaw and Chickasaw Nations, or either of them, shall be permitted to interpose all proper defenses by way of counterclaim or set-off against either the assignors or the assignee of said claim, all statutes of limitations against said set-offs or counterclaims being hereby waived: *Provided further*, That any amount found to be owing by the said J. F. McMurray to the said Choctaw and Chickasaw Nations upon coal-mining leases held by him may be offset against any judgment that may be rendered in his favor upon such claims: *Provided*, That if any of such leases are found not to be underlaid with merchantable coal the same shall be canceled; and notice of filing of such suits by the said J. F. McMurray shall be served upon the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation, and said nations shall be represented therein by attorneys for said nations, respectively, and by the Attorney General of the United States: *Provided*, That the Secretary of the Interior is hereby authorized to adjust, by mutual agreement with the interested parties herein, under the terms of this act and within thirty days after its approval by the President of the United States, all of the matters covered by the above provisions, and should such agreement be made by the Secretary of the Interior he is hereby authorized and directed to make requisition upon the Treasurer of the United States for the payment of the same out of any funds of the Choctaw and Chickasaw Indians as their interests may appear, and the Treasurer shall pay the same: *And provided further*, That no suit shall be instituted in the courts under this act until the expiration of thirty days after its approval by the President.

The following letter explains the matter fully:

DEPARTMENT OF THE INTERIOR,
Washington, March 30, 1916.

MY DEAR MR. STEPHENS: In further response to your letter of February 14, 1916, relating to H. R. 10555, entitled "A bill referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims," I will now report in full as to the various matters referred to in the proposed measure.

The purpose of the bill is to authorize Mr. John F. McMurray to bring suit against the Choctaw and Chickasaw Nations on certain claims which Mr. McMurray is asserting against those tribes.

The first of the items referred to in the bill is that growing out of a suit instituted by the Choctaw and Chickasaw Nations against the United States and the Chickasaw freedmen under the act of Congress approved July 1, 1902 (32 Stat. L., 641). The nations were represented in that suit by the firm of Mansfield, McMurray & Cornish, of which Mr. J. F. McMurray, the claimant named in the bill, was a member. The fee claimed by the attorneys in that suit amounted to $27,500. The judgment of the Court of Claims in favor of the nations was affirmed by the Supreme Court of the United States February 23, 1904 (193 U. S., 115), the amount of such judgment to be determined by subsequent calculation when the number of Chickasaw freedmen should be finally ascertained. Appropriation was made in the sum of $606,936.08 to pay this judgment by the act of June 25, 1910 (36 Stat. L., 774, 807). The services in this matter were rendered under a contract executed and approved in conformity to sections 2103-2106 of the Revised Statutes. There is no serious contention that this fee has not been earned, but it has been asserted on the part of the Indian nations that there are counterclaims that the nations are entitled to assert against the firm that more than offset the amount of this fee. It is also contended on the part of the nations that inquiry should be permitted as to the validity of the alleged transfer by the firm to Mr. McMurray.

The second matter referred to in the bill is the claim for expenses incurred by the firm of Mansfield, McMurray & Cornish under sections 31, 32, and 33 of said act of July 1, 1902.

The amount of this claim is $25,544.07, not including interest, made of various sums said to have been expended during the period beginning in October, 1902, and

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ending with December, 1904, by said firm in costs and expenses in connection with litigation before the Choctaw-Chickasaw citizenship court. Payment of proper expenses is authorized by a paragraph in section 33 of said act, reading as follows:

"All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States."

It is insisted, on behalf of the nations, that many unjust charges were included by the said attorneys in making up the amount of this claim.

The third matter mentioned in the proposed measure is the claim based upon two Chickasaw tribal warrants, alleged to have been issued by the tribal authorities under an act of the legislature of the Chickasaw Nation, approved by the governor of that nation September 20, 1889. These warrants were in the amounts, respectively, of $5,589 and $5,000.

Summarizing, it appears that the total amount embraced in the three claims referred to above, not including interest, aggregates $63,633.07.

It will be observed that these claims are of long standing and, therefore, the item of interest, if allowed at the high rate prevailing at the time, will run up into a considerable amount. The legislation under which the claims arose makes no provision for payment of interest, pending administrative action. Therefore, the sum, if any, that may be allowed by way of interest will be in the nature of an equitable allowance, rather than a legal right. You are advised further, in this connection, that it is contended, on behalf of the Indians, that much of the delay is chargeable to Mr. McMurray and his associates.

I am of opinion that a forum should be afforded for the consideration and adjudication of the matters involved in the claims of Mr. McMurray, and that the nations should be permitted to interpose all objections they may have to these claims and all offsets and counterclaims. I am further of opinion that the Court of Claims is a tribunal to which the matter may very appropriately be referred.

The nations have a claim against Mr. McMurray in his personal capacity, which is in the shape of a judgment, rendered February 14, 1913, for $14,238, for certain royalties accruing under coal leases from the nations to McMurray up to October 19, 1919. There is also a further claim in this same matter for royalties accruing subsequently to October 19, 1910, which judgment and subsequent royalties with interest, it is asserted, amount to more than the fee of $27,500 claimed in the freedmen case. It is earnestly contended, in behalf of the nations, that they shall be allowed to offset this against any claim presented against them.

It is also insisted that the nations have a just claim against the firm of Mansfield, McMurray & Cornish for amounts heretofore improperly allowed as for expenses in connection with professional services. These amounts total about $180,000. It is contended that any legislation enacted for submitting this controversy to a court or other tribunal should provide expressly that the nations be allowed to offset the amounts thus alleged to have been improperly paid against any claims presented against them and to present a counterclaim for any surplus that may thus appear improperly paid.

When this subject was under consideration during the last session of Congress it was contended by Mr. McMurray that these matters had been finally and definitely settled and should not now be reopened. Suit was begun against the firm of Mansfield, McMurray & Cornish in behalf of the Choctaw Nation to recover some amounts alleged to have been thus improperly paid. The amount there involved was $42,348.66. This suit was subsequently dismissed September 8, 1909, without prejudice. No suit was ever begun against the said firm by or on behalf of the Chickasaw Nation. It is claimed, in behalf of the Choctaw Nation, that not only were unauthorized expenses allowed but that all these expenses were illegally incurred, in that the tribal law authorizing such expenditures was never submitted to or approved by the President of the United States. The firm strongly contends that these acts of the tribal council were not of the character required to be submitted to the President.

You are advised in this connection that various disbursements were made to said firm from funds of the Chickasaw Nation under similar acts passed by the legislature of that tribe. Under one of these acts, which was approved by the governor of the tribe October 26, 1900, but not approved by the President of the United States, they were paid the sum of $53,866.39.

In view of the fact that it is insisted by the tribal attorney for the Choctaw Nation that the matter of the suit instituted on behalf of that tribe, referred to above, has not been so dealt with as to foreclose further consideration of same, and that it contains

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items which should never have been paid, this department does not feel justified in passing upon the merits of the contentions of Mr. McMurray, and therefore recommends that the court may consider the question as to whether or not this matter should be opened up and the items therein considered at least as an offset to the claim against the tribes. Inasmuch, however, as Mr. McMurray is so insistent that the previous acts of this department and of the Department of Justice were of such a nature that the questions involved are res judicata, or should not in fair dealing be again inquired into, if the Congress upon investigation should so conclude, this department will interpose no objection.

I am advised that probably the statute of limitations has run as to many of the items going to make up the claims of the respective parties, and it has been suggested that it would work justice to all to authorize the court to consider the matter without reference to such statute.

I find there is some difference of opinion as to whether the bill which is the subject of this report contemplates the adjudication of only the specific claims mentioned above or of all claims asserted by Mr. McMurray against the Choctaws and Chickasaws. For this reason it may not be irrelevant in this connection to refer briefly to other claims of Mr. McMurray. I am advised that he has secured contracts from many individuals, members of said tribes, and possibly from the tribal authorities also for services to be rendered by him in connection with the disposal of the coal and asphalt and other surplus property of the tribes, and that he has also, possibly, a claim for services rendered or to be rendered in connection with the "leased district" claim. In view of these additional claims it is possible that a slight change in the language of the proposed measure would be advisable in order to make its application clear.

The bill contains the following proviso:

"*Provided*, That as to any such claims so sued upon the Choctaw and Chickasaw Nations, or either of them, shall be permitted to interpose all proper defenses by way of counterclaim or set-off: *Provided further*, That any amount found to be owing by the said J. F. McMurray to the said Choctaw and Chickasaw Nations upon coal-mining leases held by him may be offset against any judgment that may be rendered in his favor upon such claims."

A careful reading of these provisos inclines me to opinion that the right of counterclaim or set-off would be limited to matters growing out the three claims specifically mentioned in the bill, particularly as it seems to have been deemed necessary by the author of the proposed measure to refer specifically to the claim of the nations based upon unpaid royalties which accrued under McMurray's coal-mining leases. I therefore suggest that if it is intended to give the tribes the right to interpose any and all claims that they may have against the firm of Mansfield, McMurray & Cornish, growing out of the several contracts with that firm, the language of the proviso should be appropriately modified.

It would also seem that if interest is to be allowed Mr. McMurray for any amount or amounts that may be found due him it would also be appropriate to provide for the allowance of interest to the nations on account of any sums found to be due them by reason of any set-off, counterclaim, or other claim. It will be noted, as suggested in a previous connection, that the claims of Mr. McMurray originally accrued in favor of the firm of Mansfield, McMurray & Cornish and that his right thereto is now based upon a contract of assignment. It will also be noted that there has been no assignment to Mr. McMurray or acceptance by him of the liability of the firm of Mansfield, McMurray & Cornish growing out of the matters which will probably be put forward on behalf of the nations by way of counterclaims, set-off, or otherwise. This state of affairs would seem to leave Mr. McMurray a beneficiary of the alleged assignments without entailing upon him any responsibility in connection therewith, except, perhaps, to the extent of his personal interest in the firm assets. Under the circumstances, it seems to me that provision should be made in the bill making it clear that the nations shall be entitled to have their claims adjudicated against the firm as a whole and that any amount found to be due them shall be held a proper set-off against any judgment that may be rendered in favor of Mr. McMurray, at least to the extent of his interest in the firm assets; and, furthermore, that the assertion by the nations of any such amount by way of counterclaim or set-off should not preclude them from challenging the legal sufficiency of the alleged assignment to him.

The bill contains a further proviso to the effect that the Secretary of the Interior may adjust, by mutual agreement with the interested parties, within 30 days after the time when the bill shall have become a law, all the matters covered by this provision. You are advised that it would probably be a physical impossibility, in view of the many other matters requiring the attention of the Indian Office, for that bureau to take up and audit all of these claims within a period of 30 days. A proper investi-

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gation of the records of the Secretary's office, of the Indian Office, or of the office of the Auditor for the Interior Department, and of the offices at Muskogee might require 90 days, or even 6 months.

I invite attention to the fact that the bill does not provide a time limit within which the petition must be filed or answer made. I suggest that a provision be included requiring the suit to be instituted within 6 months from the date of the approval of the act and that answer be required within 90 days after the filing of the petition.

While I have endeavored to set forth with considerable detail the facts and circumstances connected with the controversy arising out of these claims, it is not to be understood that I express or have any opinion as to the merits thereof. As said before, however, I feel that some tribunal should be afforded where they can be tried and finally adjusted.

For your consideration I inclose herewith, in duplicate, a copy of a letter dated March 6, 1916, from Mr. Reford Bond, Chickasaw national attorney, containing his views concerning the proposed measure. There is also herewith, in duplicate, a copy of a letter dated March 7, 1916, with its inclosure, concerning the same subject, from Mr. P. J. Hurley, Choctaw national attorney.

Cordially, yours,

ANDRIEUS A. JONES,
Acting Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 659.

CREATING A SHIPPING BOARD, A NAVAL AUXILIARY, A MERCHANT MARINE, AND REGULATING CARRIERS BY WATER ENGAGED IN THE FOREIGN AND INTERSTATE COMMERCE OF THE UNITED STATES.

MAY 9, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

(To accompany H. R. 15455.)

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes, having considered the same, report it to the House with the recommendation that the bill do pass.

The full text of the bill follows:

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress Assembled,*
3 That when used in this Act:
4 The term "common carrier by water in foreign com-
5 merce" means a common carrier engaged in the trans-
6 portation by water of passengers or property between the
7 United States or any of its Districts, Territories, or posses-

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1 sions and a foreign country, including the import and export
2 trade.
3 The term "common carrier by water in interstate
4 commerce" means a common carrier engaged in the trans-
5 portation by water of passengers or property between one
6 State, Territory, District, or possession of the United States
7 and any other State, Territory, District, or possession of the
8 United States, or between places in the same Territory, Dis-
9 trict, or possession.
10 The term "common carrier by water" means a com-
11 mon carrier by water in foreign commerce or a common
12 carrier by water in interstate commerce.
13 The term "other person subject to this Act" means
14 any person not included in the term "common carrier by
15 water," carrying on the business of forwarding, ferrying,
16 towing, or furnishing transfer, lighterage, wharfage, dock,
17 warehouse, or other terminal facilities in or in connection
18 with a common carrier by water.
19 The term "person" includes corporations, partner-
20 ships, and associations, existing under or authorized by the
21 laws of the United States, or any State, Territory, District,
22 or possession thereof, or of any foreign country.
23 SEC. 2. That within the meaning of this Act no cor-
24 poration, partnership, or association shall be deemed a citi-
25 zen of the United States unless the controlling interest therein

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1 is owned by citizens of the United States, and, in the case of
2 a corporation, unless its president and managing directors
3 are citizens of the United States and the corporation itself is
4 organized under the laws of the United States or of a State,
5 Territory, District, or possession thereof.

6 The provisions of this Act shall apply to receivers and
7 trustees of all persons to whom the Act applies.

8 SEC. 3. That a board is hereby created, to be known as
9 the United States Shipping Board, and hereinafter referred to
10 as the board. The board shall be composed of the Secretary
11 of the Navy and the Secretary of Commerce, as members ex
12 officio, and five commissioners, to be appointed by the
13 President, by and with the advice and consent of the Senate;
14 one of such commissioners to be designated by the President
15 as chairman of the board and one as vice chairman.

16 The first commissioners appointed shall continue in
17 office for terms of two, three, four, five, and six years,
18 respectively, from the date of their appointment, the term
19 of each to be designated by the President, but their successors
20 shall be appointed for terms of six years, except that any
21 person chosen to fill a vacancy shall be appointed only for
22 the unexpired term of the commissioner whom he succeeds.

23 The commissioners shall be appointed with due regard
24 to their fitness for the efficient discharge of the duties imposed
25 on them by this Act, and to a fair representation of the

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1 geographical divisions of the country. Not more than three
2 of the commissioners shall be appointed from the same politi-
3 cal party. No commissioner shall be in the employ of or
4 hold any official relation to any common carrier by water or
5 other person subject to this Act, or own any stocks or bonds
6 thereof, or be pecuniarily interested therein. No commis-
7 sioner shall actively engage in any other business, vocation,
8 or employment. Any commissioner may be removed by
9 the President for inefficiency, neglect of duty, or malfeasance
10 in office. A vacancy in the board shall not impair the right
11 of the remaining members of the board to exercise all its
12 powers. The board shall have an official seal, which shall
13 be judicially noticed.

14 The board may adopt rules and regulations in regard
15 to its procedure and the conduct of its business.

16 SEC. 4. That each member of the board, except the ex
17 officio members, shall receive a salary of $10,000 per annum.
18 The board shall appoint a secretary, at a salary of $5,000
19 per annum, and employ and fix the compensation of such
20 attorneys, officers, naval architects, special experts, examin-
21 ers, clerks, and other employees as it may find necessary for
22 the proper performance of its duties and as may be ap-
23 propriated for by the Congress. The President, upon the
24 request of the board, may authorize the detail of officers of
25 the military and naval services of the United States for such

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1 duties as the board may deem necessary in connection with
2 its business.

3 With the exception of the secretary, a clerk to each
4 commissioner, the attorneys, naval architects, and such spe-
5 cial experts and examiners as the board may from time to
6 time find necessary to employ for the conduct of its work,
7 all employees of the board shall be a part of the classified
8 civil service.

9 The expenses of the board, including necessary ex-
10 penses for transportation, incurred by the members of the
11 board or by its employees under its orders, in making any
12 investigation, or upon official business in any other place
13 than in the city of Washington, shall be allowed and paid
14 on the presentation of itemized vouchers therefor approved
15 by the chairman of the board.

16 Until otherwise provided by law the board may rent
17 suitable offices for its use.

18 The Auditor for the State and Other Departments shall
19 receive and examine all accounts of expenditures of the
20 board.

21 SEC. 5. That the board, with the approval of the Presi-
22 dent, is authorized to have constructed and equipped in
23 American shipyards and navy yards or elsewhere, giving
24 preference, other things being equal, to domestic yards, or
25 to purchase, lease, or charter, vessels suitable, as far as the

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1 commercial requirements of the marine trade of the United
2 States may permit, for use as naval auxiliaries or Army
3 transports, or for other naval or military purposes.

4 SEC. 6. That the President may transfer to the board
5 such vessels belonging to the War or Navy Department as
6 are suitable for commercial uses and not required for military
7 or naval use in time of peace, and cause to be transferred to
8 the board vessels owned by the Panama Railroad Company
9 and not required in its business.

10 SEC. 7. That the board, upon terms and conditions pre-
11 scribed by it and approved by the President, may charter,
12 lease, or sell to any person, a citizen of the United States,
13 any vessel so purchased, constructed, or transferred.

14 SEC. 8. That when any vessel purchased or constructed
15 by or transferred to the board as herein provided, and owned
16 by the United States, becomes, in the opinion of the board,
17 unfit for the purposes of this Act, it shall be appraised and
18 sold at public or private sale free from the conditions and
19 restrictions of this Act.

20 SEC. 9. That any vessel purchased, chartered, or leased
21 from the board may be registered or enrolled and licensed
22 as a vessel of the United States and entitled to the benefits
23 and privileges appertaining thereto: *Provided*, That foreign-
24 built vessels heretofore or hereafter admitted to American
25 registry or enrollment and license under the Act of August

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1 eighteenth, nineteen hundred and fourteen, or under this
2 Act, and vessels owned, chartered, or leased by any cor-
3 poration in which the United States is a stockholder (except
4 the Panama Railroad Company), may not engage in the
5 coastwise trade of the United States, except that such ves-
6 sels may engage in trade with Alaska, Hawaii, or Porto
7 Rico, whether or not en route to or from a foreign port,
8 if the board finds such trade is not being adequately served
9 by a regular line or lines of vessels.

10 Every vessel purchased, chartered, or leased from the
11 board shall, unless otherwise authorized by the board, be
12 operated only under such registry or enrollment and license.
13 Such vessels while employed solely as merchant vessels
14 shall be subject to all laws, regulations, and liabilities gov-
15 erning merchant vessels, whether the United States be
16 interested therein as owner, in whole or in part, or hold
17 any mortgage, lien, or other interest therein. No such
18 vessel, without the approval of the board, shall be trans-
19 ferred to a foreign registry or flag, or sold; nor, except
20 under regulations prescribed by the board, be chartered
21 or leased.

22 When the United States is at war, or during any
23 national emergency the existence of which is declared by
24 proclamation of the President, no vessel registered or en-
25 rolled and licensed under the laws of the United States
26 shall, without the approval of the board, be sold, leased, or

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1 chartered to any person not a citizen of the United States
2 or transferred to a foreign registry or flag.
3 Any vessel sold, chartered, leased, transferred, or op-
4 erated in violation of this section shall be forfeited to the
5 United States, and whoever violates any provision of this
6 section shall be guilty of a misdemeanor and subject to a
7 fine of not more than $5,000 or to imprisonment of not
8 more than five years, or both such fine and imprisonment.
9 SEC. 10. That the President, upon giving to the per-
10 son interested such reasonable notice in writing as in his
11 judgment the circumstances permit, may take possession,
12 absolutely or temporarily, for any naval or military purpose,
13 of any vessel purchased, leased, or chartered from the board:
14 *Provided,* That if, in the judgment of the President, an
15 emergency exists requiring such action he may take posses-
16 sion of any such vessel without notice.
17 Thereafter, upon ascertainment by agreement or other-
18 wise, the United States shall pay the person interested the
19 fair actual value at the time of taking of the interest of
20 such person in every vessel taken absolutely, or if taken for
21 a limited period, the fair charter value for such period. In
22 case of disagreement as to the fair value it shall be deter-
23 mined by appraisers, one to be appointed by the board, one
24 by the person interested, and a third by the two so ap-

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1 pointed. The finding of a majority of such appraisers shall
2 be final and binding upon both parties.
3 SEC. 11. That the board, if in its judgment such action
4 is necessary to carry out the purposes of this Act, may form
5 under the laws of the District of Columbia one or more
6 corporations for the purchase, construction, equipment, lease,
7 charter, maintenance, and operation of merchant vessels in
8 the commerce of the United States. The total capital stock
9 thereof shall not exceed $50,000,000. The board may,
10 for and on behalf of the United States, subscribe to, pur-
11 chase, and vote not less than a majority of the capital stock
12 of any such corporation, and do all other things in regard
13 thereto necessary to protect the interests of the United
14 States and to carry out the purposes of this Act. The
15 board, with the approval of the President, may sell any or
16 all of the stock of the United States in such corporation,
17 but at no time shall it be a minority stockholder therein.
18 At the expiration of five years from the conclusion of
19 the present European war the operation of vessels on the part
20 of any such corporation in which the United States is then a
21 stockholder shall cease and the said corporation stand dis-
22 solved. The date of the conclusion of the war shall be de-
23 clared by proclamation of the President. The vessels and
24 other property of any such corporation shall revert to the
25 board. The board may sell, lease, or charter such vessels as

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1 provided in section seven and shall dispose of the property
2 other than vessels on the best available terms and, after pay-
3 ment of all debts and obligations, deposit the proceeds thereof
4 in the Treasury to its credit. All stock in such corporations
5 owned by others than the United States at the time of dis-
6 solution shall be taken over by the board at a fair and reason-
7 able value and paid for with funds to the credit of the board
8 In case of disagreement, such value shall be determined in
9 the manner provided in section ten.

10 SEC. 12. That any vessel purchased, leased, or char-
11 tered from the board may be listed by the Secretary of the
12 Navy as a vessel of the United States Naval Auxiliary
13 Reserve. The officers and members of the crew of any
14 such listed vessel who volunteer for the purpose and are
15 citizens of the United States or its insular possessions may,
16 under regulations prescribed by the Secretary of the Navy,
17 be enrolled in various ranks and ratings corresponding to
18 those of the United States Navy, not above the rank of
19 lieutenant commander, as members of any naval reserve
20 force established by law.

21 SEC. 13. That the board shall investigate the relative
22 cost of building merchant vessels in the United States and
23 in foreign maritime countries, and the relative cost, advan-
24 tages, and disadvantages of operating in the foreign trade
25 vessels under United States registry and under foreign reg-
26 istry. It shall examine the navigation laws of the United

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1 States and the rules and regulations thereunder, and make
2 such recommendations to the Congress as it deems proper for
3 the amendment, improvement, and revision of such laws, and
4 for the development of the American merchant marine. It
5 shall investigate the legal status of mortgage loans on vessel
6 property, with a view to means of improving the security of
7 such loans and of encouraging investment in American
8 shipping.

9 It shall, on or before the first day of December in each
10 year, make a report to the Congress, which shall include
11 its recommendations and the results of its investigations, a
12 summary of its transactions, and a statement of all expendi-
13 tures and receipts under this Act, and of the operations of
14 any corporation in which the United States is a stockholder,
15 and the names and compensation of all persons employed by
16 the board.

17 SEC. 14. That for the purpose of carrying out the pro-
18 visions of sections five and eleven the Secretary of the Treas-
19 ury, upon the request of the board, approved by the Presi-
20 dent, shall from time to time issue and sell or use any of the
21 bonds of the United States now available in the Treasury
22 under the Acts of August fifth, nineteen hundred and nine,
23 February fourth, nineteen hundred and ten, and March sec-
24 ond, nineteen hundred and eleven, relating to the issue of
25 bonds for the construction of the Panama Canal, to a total

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1 amount not to exceed $50,000,000: *Provided*, That any
2 bonds issued and sold or used under the provisions of this
3 section may be made payable at such time within fifty years
4 after issue as the Secretary of the Treasury may fix, instead
5 of fifty years after the date of issue, as prescribed in the Act
6 of August fifth, nineteen hundred and nine.

7 The proceeds of such bonds and the net proceeds of all
8 sales, charters, and leases of vessels and of sales of stock made
9 by the board, and all other moneys received by it from any
10 source, shall be covered into the Treasury to the credit of the
11 board, and are hereby permanently appropriated for the pur-
12 pose of carrying out the provisions of sections five and eleven.

13 SEC. 15. That no common carrier by water shall di-
14 rectly or indirectly—

15 First. Pay, or allow, or enter into any combination,
16 agreement, or understanding, express or implied, to pay
17 or allow, a deferred rebate to any shipper. The term "de-
18 ferred rebate" in this Act means a return of any portion
19 of the freight money by a carrier to any shipper as a con-
20 sideration for the giving of all or any portion of his ship-
21 ments to the same or any other carrier, or for any other
22 purpose, the payment of which is deferred beyond the
23 period for which computed and is made only if, during
24 both the period for which computed and the period of

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1 deferment, the shipper has complied with the terms of the
2 rebate agreement or arrangement.
3 Second. Use a fighting ship either separately or in con-
4 junction with any other carrier, through agreement or
5 otherwise. The term "fighting ship" in this Act means
6 a vessel used in a particular trade by a carrier or group of
7 carriers for the purpose of excluding, preventing, or reducing
8 competition by driving another carrier out of said trade.
9 Third. Retaliate against any shipper by refusing, or
10 threatening to refuse, space accomodations when such
11 are available, or resort to other discriminating or unfair
12 methods, because such shipper has patronized any other
13 carrier or has filed a complaint charging unfair treatment,
14 or for any other reason.
15 Fourth. Make any unfair or unjustly discriminatory
16 contract with any shipper based on the volume of freight
17 offered, or unfairly treat or unjustly discriminate against any
18 shipper in the matter of (a) cargo space accommodations
19 or other facilities, due regard being had for the proper load-
20 ing of the vessel and the available tonnage; (b) the load-
21 ing and landing of freight in proper condition; or (c) the
22 adjustment and settlement of claims.
23 Any carrier who violates any provision of this section
24 shall be guilty of a misdemeanor punishable by a fine of
25 not more than $25,000 for each offense.

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1 SEC. 16. That every common carrier by water, or other
2 person subject to this Act, shall file immediately with the
3 board a true copy, or, if oral, a true and complete memoran-
4 dum, of every agreement with another such carrier or other
5 person subject to this Act, or modification or cancellation
6 thereof, to which it may be a party or conform in whole or
7 in part, fixing or regulating transportation rates or fares;
8 giving or receiving special rates, accommodations, or other
9 special privileges or advantages; controlling, regulating, pre-
10 venting, or destroying competition; pooling or apportioning
11 earnings, losses, or traffic; allotting ports or restricting or
12 otherwise regulating the number and character of sailings
13 between ports; limiting or regulating in any way the volume
14 or character of freight or passenger traffic to be carried;
15 or in any manner providing for an exclusive, preferential,
16 or cooperative working arrangement. The term "agree-
17 ment" in this section includes understandings, conferences,
18 and other arrangements.

19 The board may by order disapprove, cancel, or modify
20 any agreement, or any modification or cancellation thereof,
21 whether or not previously approved by it, that it finds to be
22 unjustly discriminatory or unfair as between carriers, ship-
23 pers, exporters, importers, or ports, or between exporters
24 from the United States and their foreign competitors, or to
25 operate to the detriment of the commerce of the United

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1 States or to be in violation of this Act, and shall approve all
2 other agreements, modifications, or cancellations.
3 Agreements existing at the time of the organization of
4 the board shall be lawful until disapproved by the board.
5 It shall be unlawful to carry out any agreement or any por-
6 tion thereof disapproved by the board.
7 All agreements, modifications, or cancellations made
8 after the organization of the board shall be lawful only when
9 and as long as approved by the board, and before approval
10 or after disapproval it shall be unlawful to carry out in whole
11 or in part, directly or indirectly, any such agreement, modifi-
12 cation, or cancellation.
13 Every agreement, modification, or cancellation lawful
14 under this section shall be excepted from the provisions of
15 the Act approved July second, eighteen hundred and ninety,
16 entitled "An Act to protect trade and commerce against un-
17 lawful restraints and monopolies," and amendments and Acts
18 supplementary thereto, and the provisions of sections
19 seventy-three to seventy-seven, both inclusive, of the Act
20 approved August twenty-seventh, eighteen hundred and
21 ninety-four, entitled "An Act to reduce taxation, to provide
22 revenue for the Government, and for other purposes," and
23 amendments and Acts supplementary thereto.
24 Whoever violates any provision of this section shall be
25 liable to a penalty of $1,000 for each day such violation con-
26 tinues, to be recovered by the United States in a civil action.

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1 SEC. 17. That it shall be unlawful for any common car-
2 rier by water, or other person subject to this Act, either
3 alone or in conjunction with any other person, directly or
4 indirectly—

5 First. To make or give any undue or unreasonable
6 preference or advantage to any particular person, locality, or
7 description of traffic in any respect whatsoever, or to subject
8 any particular person, locality, or description of traffic to
9 any undue or unreasonable prejudice or disadvantage in any
10 respect whatsoever.

11 Second. To allow any person to obtain transportation
12 for property at less than the regular rates then established
13 and enforced on the line of such carrier, by means of false
14 billing, false classification, false weighing, false report of
15 weight, or by any other unjust or unfair device or means.

16 Third. To induce, persuade, or otherwise influence any
17 marine insurance company or underwriter, or agent thereof,
18 not to give a competing carrier by water as favorable a rate
19 of insurance on vessel or cargo, having due regard to the class
20 of vessel or cargo, as is granted to such carrier or other person
21 subject to this Act.

22 SEC. 18. That no common carrier by water in foreign
23 commerce shall demand, charge, or collect any rate, fare,
24 or charge which is unjustly discriminatory between shippers
25 or ports, or unjustly prejudicial to exporters of the United

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1 States as compared with their foreign competitors. When-
2 ever the board finds that any such rate, fare, or charge is
3 demanded, charged, or collected it may alter the same
4 to the extent necessary to correct such unjust discrimination
5 or prejudice and make an order that the carrier shall dis-
6 continue demanding, charging, or collecting any such un-
7 justly discriminatory or prejudicial rate, fare, or charge.

8 Every such carrier and every other person subject
9 to this Act shall establish, observe, and enforce just
10 and reasonable regulations and practices relating to or
11 connected with the receiving, handling, storing, or de-
12 livering of property. Whenever the board finds that
13 any such regulation or practice is unjust or unreasonable
14 it may determine, prescribe, and order enforced a just and
15 reasonable regulation or practice.

16 SEC. 19. That every common carrier by water in inter-
17 state commerce shall establish, observe, and enforce just and
18 reasonable rates, fares, charges, classifications, and tariffs,
19 and just and reasonable regulations and practices relating
20 thereto and to the issuance, form, and substance of tickets,
21 receipts, and bills of lading, the manner and method of
22 presenting, marking, packing, and delivering property for
23 transportation, the carrying of personal, sample, and excess
24 baggage, the facilities for transportation, and all other mat-
25 ters relating to or connected with the receiving, handling,
26 transporting, storing, or delivering of property.

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1 Every such carrier shall file with the board and keep
2 open to public inspection, in the form and manner and
3 within the time prescribed by the board, the maximum rates,
4 fares, and charges for or in connection with transportation
5 between points on its own route; and if a through route
6 has been established, the maximum rates, fares, and charges
7 for or in connection with transportation between points on
8 its own route and points on the route of any other carrier
9 by water.

10 No such carrier shall demand, charge, or collect a
11 greater compensation for such transportation than the rates,
12 fares, and charges filed in compliance with this section,
13 except with the approval of the board and after ten
14 days' public notice in the form and manner prescribed by
15 the board, stating the increase proposed to be made; but
16 the board for good cause shown may waive such notice.

17 Whenever the board finds that any rate, fare, charge,
18 classification, tariff, regulation, or practice, demanded,
19 charged, collected, or observed by such carrier is unjust or
20 unreasonable, it may determine, prescribe, and order en-
21 forced a just and reasonable maximum rate, fare, or charge,
22 or a just and reasonable classification, tariff, regulation, or
23 practice.

24 SEC. 20. That whenever a common carrier by water in
25 interstate commerce reduces its rates on the carriage of any

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1 species of freight to or from competitive points below a fair
2 and remunerative basis with the intent of driving out or
3 otherwise injuring a competitive carrier by water, it shall
4 not increase such rates unless after hearing the board finds
5 that such proposed increase rests upon changed conditions
6 other than the elimination of said competition.

7 SEC. 21. That it shall be unlawful for any common
8 carrier by water or other person subject to this Act, or any
9 officer, receiver, trustee, lessee, agent, or employee of such
10 carrier or person, or for any other person authorized by such
11 carrier or person to receive information, knowingly to dis-
12 close to or permit to be acquired by any person other than
13 the shipper or consignee, without the consent of such shipper
14 or consignee, any information concerning the nature, kind,
15 quantity, destination, consignee, or routing of any property
16 tendered or delivered to such common carrier or other person
17 subject to this Act for transportation in interstate or foreign
18 commerce, which information may be used to the detriment
19 or prejudice of such shipper or consignee, or which may
20 improperly disclose his business transactions to a competitor,
21 or which may be used to the detriment or prejudice of any
22 carrier; and it shall also be unlawful for any person to solicit
23 or knowingly receive any such information which may be
24 so used.

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1 Nothing in this Act shall be construed to prevent the
2 giving of such information in response to any legal process
3 issued under the authority of any court of a State or of the
4 United States, or to any officer or agent of the Government
5 of the United States, or of any State, Territory, District,
6 or possession thereof, in the exercise of his powers, or to
7 any officer or other duly authorized person seeking such
8 information for the prosecution of persons charged with
9 or suspected of crime, or to another carrier, or its duly
10 authorized agent, for the purpose of adjusting mutual
11 traffic accounts in the ordinary course of business of such
12 carriers.

13 SEC. 22. That the board may require any common
14 carrier by water, or other person subject to this Act, or any
15 officer, receiver, trustee, lessee, agent, or employee thereof,
16 to file with it any periodical or special report, or any account,
17 record, rate, or charge, or any memorandum of any facts
18 and transactions appertaining to the business of such carrier
19 or other persons subject to this Act. Such report, account,
20 record, rate, charge, or memorandum shall be under oath
21 whenever the board so requires, and shall be furnished in
22 the form and within the time prescribed by the board.
23 Whoever fails to file any report, account, record, rate, charge,
24 or memorandum as required by this section shall forfeit to

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1 the United States the sum of $100 for each day of such
2 default.

3 Whoever willfully falsifies, destroys, mutilates, or alters
4 any such report, account, record, rate, charge, or memo-
5 randum, or willfully files a false report, account, record, rate,
6 charge, or memorandum shall be guilty of a misdemeanor,
7 and subject upon conviction to a fine of not more than
8 $1,000, or imprisonment for not more than one year, or
9 to both such fine and imprisonment.

10 SEC. 23. That any person may file with the board a
11 sworn complaint setting forth any violation of this Act by
12 a common carrier by water, or other person subject to this
13 Act, and asking reparation for the injury, if any, caused
14 thereby. The board shall furnish a copy of the complaint
15 to such carrier or other person, who shall, within a reason-
16 able time specified by the board, satisfy the complaint
17 or answer it in writing. If the complaint is not satisfied
18 the board shall, except as otherwise provided in this Act,
19 investigate it in such manner and by such means, and
20 make such order as it deems proper. The board, if the
21 complaint is filed within two years after the cause of
22 action accrued, may direct the payment, on or before
23 a day named, of full reparation to the complainant for the
24 injury caused by such violation.

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1 The board, upon its own motion, may in like manner
2 and, except as to orders for the payment of money, with
3 the same powers, investigate any violation of this Act.
4 SEC. 24. Orders of the board relating to any violation
5 of this Act shall be made only after full hearing, and
6 upon a sworn complaint or in proceedings instituted of
7 its own motion.
8 All orders of the board other than for the payment of
9 money made under this Act shall continue in force for such
10 time, not exceeding two years, as shall be prescribed therein
11 by the board, unless suspended, modified, or set aside by the
12 board or any court of competent jurisdiction.
13 SEC. 25. That the board shall enter of record a written
14 report of every investigation made under this Act in which a
15 hearing has been held, stating its conclusions, decision, and
16 order, and, if reparation is awarded, the findings of fact
17 on which the award is made, and shall furnish a copy of
18 such report to all parties to the investigation.
19 The board may publish such reports in the form best
20 adapted for public information and use, and such authorized
21 publications shall, without further proof or authentication, be
22 competent evidence of such reports in all courts of the
23 United States and of the States, Territories, Districts, and
24 possessions thereof.

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1 SEC. 26. That the board may reverse, suspend, or
2 modify, upon such notice and in such manner as it deems
3 proper, any order made by it. Upon application of any
4 party to a decision or order it may grant a rehearing of the
5 same or any matter determined therein, but no such ap-
6 plication for or allowance of a rehearing shall, except by
7 special order of the board, operate as a stay of such order.
8 SEC. 27. That for the purpose of investigating alleged
9 violations of this Act, the board may by subpœna compel the
10 attendance of witnesses and the production of books, papers,
11 documents, and other evidence from any place in the United
12 States at any designated place of hearing. Subpœnas may
13 be signed by any commissioner, and oaths or affirmations
14 may be administered, witnesses examined, and evidence
15 received by any commissioner or examiner, or, under the
16 direction of the board, by any person authorized under the
17 laws of the United States or of any State, Territory, Dis-
18 trict, or possession thereof to administer oaths. Persons
19 so acting under the direction of the board and witnesses
20 shall, unless employees of the board, be entitled to the same
21 fees and mileage as in the courts of the United States.
22 Obedience to any such subpœna shall, on application by
23 the board, be enforced as are orders of the board other than
24 for the payment of money.

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1 SEC. 28. That no person shall be excused, on the
2 ground that it may tend to incriminate him or subject him to
3 a penalty or forfeiture, from attending and testifying, or
4 producing books, papers, documents, and other evidence, in
5 obedience to the subpœna of the board or of any court in
6 any proceeding based upon or growing out of any alleged
7 violation of this Act; but no natural person shall be prose-
8 cuted or subjected to any penalty or forfeiture for or on ac-
9 count of any transaction, matter, or thing as to which, in
10 obedience to a subpœna and under oath, he may so testify
11 or produce evidence, except that no person shall be exempt
12 from prosecution and punishment for perjury committed in
13 so testifying.

14 SEC. 29. That in case of violation of any order of the
15 board, other than an order for the payment of money, the
16 board, or any party injured by such violation, or the Attor-
17 ney General, may apply to a district court having jurisdiction
18 of the parties; and if, after hearing, the court determines that
19 the order was regularly made and duly issued, it shall enforce
20 obedience thereto by a writ of injunction or other proper
21 process, mandatory or otherwise.

22 SEC. 30. That in case of violation of any order of the
23 board for the payment of money the person to whom such
24 award was made may file in the district court for the district

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1 in which such person resides, or in which is located any office
2 of the carrier or other person to whom the order was directed,
3 or in which is located any point of call on a regular route
4 operated by the carrier, or in any court of general juris-
5 diction of a State, Territory, District, or possession of the
6 United States having jurisdiction of the parties, a petition
7 or suit setting forth briefly the causes for which he claims
8 damages and the order of the board in the premises.

9 In the district court the findings and order of the board
10 shall be prima facie evidence of the facts therein stated, and
11 the petitioner shall not be liable for costs, nor shall he be
12 liable for costs at any subsequent stage of the proceedings
13 unless they accrue upon his appeal. If a petitioner in a
14 district court finally prevails, he shall be allowed a reason-
15 able attorney's fee, to be taxed and collected as part of the
16 costs of the suit.

17 All parties in whose favor the board has made an award
18 of reparation by a single order may be joined as plaintiffs,
19 and all other parties to such order may be joined as defend-
20 ants, in a single suit in any district in which any one such
21 plaintiff could maintain a suit against any one such defend-
22 ant. Service of process against any such defendant not
23 found in that district may be made in any district in which

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1 is located any office of, or point of call on a regular route
2 operated by, such defendant. Judgment may be entered in
3 favor of any plaintiff against the defendant liable to that
4 plaintiff.

5 No petition or suit for the enforcement of an order for
6 the payment of money shall be maintained in a district or
7 State court unless filed within one year from the date of the
8 order.

9 SEC. 31. That the venue and procedure in the courts
10 of the United States in suits brought to enforce, suspend, or
11 set aside, in whole or in part, any order of the board shall,
12 except as herein otherwise provided, be the same as in
13 similar suits in regard to orders of the Interstate Commerce
14 Commission, but such suits may also be maintained in any
15 district court having jurisdiction of the parties.

16 SEC. 32. That whoever violates any provision of this
17 Act, except where a different penalty is provided, shall be
18 guilty of a misdemeanor, punishable by fine of not to exceed
19 $5,000.

20 SEC. 33. That this Act shall not be construed to affect
21 the power or jurisdiction of the Interstate Commerce Com-
22 mission, nor to confer upon the board concurrent power or
23 jurisdiction over any matter within the power or jurisdic-
24 tion of such commission; nor shall this Act be construed to
25 apply to intrastate commerce.

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1 SEC. 34. That if any provision of this Act, or the
2 application of such provision to certain circumstances, is held
3 unconstitutional, the remainder of the Act, and the applica-
4 tion of such provision to circumstances other than those as
5 to which it is held unconstitutional, shall not be affected
6 thereby.

7 SEC. 35. That for the fiscal year ending June thirtieth,
8 nineteen hundred and seventeen, the sum of $100,000 is
9 hereby appropriated, out of any moneys in the Treasury of
10 the United States not otherwise appropriated, for the pur-
11 pose of defraying the expenses of the establishment and
12 maintenance of the board, including the payment of salaries
13 herein authorized.

(27)

In February, 1914, Sixty-third Congress, second session, the Committee on the Merchant Marine and Fisheries made a report to the House of Representatives on steamship agreements and affiliations in the American foreign and domestic trade.

The investigation of such combinations was begun by the committee under House resolutions 425 and 587 in the Sixty-second Congress, and continued in the Sixty-third Congress under House resolution 205. The resolution (H. Res. 587) directed the committee "to report to the House all facts disclosed by said investigation, and what legislation, if any, it deems advisable in relation thereto." In accordance with the directions of the resolution relating to legislation the committee by unanimous action submitted recommendations, which have been followed in large part in framing the sections of the bill 15 to 21, inclusive.

The recommendations referred to are as follows:

RECOMMENDATIONS RELATING TO WATER CARRIERS ENGAGED IN THE FOREIGN TRADE.

The facts contained in the foregoing report show that it is the almost universal practice for steamship lines engaging in the American foreign trade to operate, both on the inbound and outbound voyages, under the terms of written agreements, conference arrangements or gentlemen's understandings, which have for their principal purpose the regulation of competition through either (1) the fixing or regulation of rates; (2) the apportionment of traffic by allotting the ports of sailing, restricting the number of sailings, or limiting the volume of freight which certain lines may carry; (3) the pooling of earnings from all or a portion of the traffic; or (4) meeting the competition of nonconference lines. Eighty such agreements or understandings, involving

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practically all the regular steamship lines operating on nearly every American foreign-trade route, are described in the foregoing report. (For a full classification of these agreements see pp. 281 to 295 of the report.) The report also presents the economic advantages and disadvantages of steamship agreements and conference arrangements as presented to the committee by steamship line representatives and the exporting and importing interests of the United States. (For a full classification of the advantages and disadvantages see pp. 295 to 307 of the foregoing report.)

In formulating its recommendations it became apparent to the committee, in view of all the facts presented, that only two courses of action were open for adoption. Either the agreements and understandings, now so universally used, may be prohibited with a view to attempting the restoration of unrestricted competition, or the same may be recognized along lines which would eliminate existing disadvantages and abuses. It is claimed that the adoption of the first course—the prohibition of cooperative arrangements between practically all the lines in nearly all the divisions of our foreign trade—would not only involve a wholesale disturbance of existing conditions in the shipping business but would deprive American exporters and importers of the advantages claimed as resulting from agreements and conferences if honestly and fairly conducted, such as greater regularity and frequency of service, stability and uniformity of rates, economy in the cost of service, better distribution of sailings, maintenance of American and European rates to foreign markets on a parity, and equal treatment of shippers through the elimination of secret arrangements and underhanded methods of discrimination. (A classification of the advantages claimed as resulting from the aforementioned factors is presented on pp. 295 to 303 of the foregoing report.)

These advantages, the committee believes, can be secured only by permitting the several lines in any given trade to cooperate through some form of rate and pooling arrangement under Government supervision and control. It is the view of the committee that open competition can not be assured for any length of time by ordering existing agreements terminated. The entire history of steamship agreements shows that in ocean commerce there is no happy medium between war and peace when several lines engage in the same trade. Most of the numerous agreements and conference arrangements discussed in the foregoing report were the outcome of rate wars and represent a truce between the contending lines. To terminate existing agreements would necessarily bring about one of two results; the lines would either engage in rate wars which would mean the elimination of the weak and the survival of the strong, or, to avoid a costly struggle, they would consolidate through common ownership. Neither result can be prevented by legislation, and either would mean a monopoly fully as effective, and it is believed more so, than can exist by virtue of an agreement. Moreover, steamship agreements and conferences are not confined to the lines engaging in the foreign trade of the United States. They are as universally used in the foreign trade of other countries as in our own. The merchants of these countries now enjoy the foregoing advantages of cooperative arrangements, and to restore open and cutthroat competition among the lines serving the United States would place American exporters at a disadvantage in many markets as compared with their foreign competitors.

Steamship-line representatives, as well as the patrons of the lines, were almost a unit in emphasizing to the committee the importance and necessity of the aforementioned advantages of agreements and conferences, and in asserting that these advantages can only be effected by permitting the several lines in a given trade to cooperate in the regulation of their rates and the expeditious handling of their business. Very few of the many exporters and importers who communicated with the committee were opposed to agreements and conferences in themselves, provided they are fairly and honestly conducted. Many, however, objected to the secrecy with which agreements and conferences are now conducted, and stated that, while the advantages must be admitted, they have no assurance and no means of knowing whether the conditions claimed for agreements and conferences are always fulfilled. A considerable number of complaints were also filed with the committee objecting to excessive rates, discrimination between shippers in rates and cargo space, indifference to the landing of freight in proper condition, arbitrariness in the settlement of just claims, failure to give due notice to shippers when rates were to be increased, refusal to properly adjust rates as between various classes of commodities, and the unfairness of certain methods—such as fighting ships, deferred rebates, and threats to refuse shipping accommodations—used by some conference lines to meet the competition of nonconference lines. Unfortunately, the truth of many of these complaints could not be ascertained because of the confidential nature of the information furnished. As pointed out in the report (p. 306), it seemed to be the general impression among shippers who filed complaints with the committee that the conference lines "so completely dominate the

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shipppers with whom they deal that these shippers can not afford, for fear of retaliation, to place themselves in a position of active antagonism to the lines by openly giving particulars of their grievances."

While admitting their many advantages, the committee is not disposed to recognize steamship agreements and conferences, unless the same are brought under some form of effective Government supervision. To permit such agreements without Government supervision would mean giving the parties thereto unrestricted right of action. Abuses exist, and the numerous complaints received by the committee show that they must be recognized. In nearly all the trade routes to and from the United States the conference lines have virtually a monopoly of the line service.

"All monopolies," as pointed out in the foregoing report (p. 304), "are liable to abuse, and in our foreign carrying trade the monopoly obtained by the conference lines has not been subjected to any legal control. While carriers by land are supervised and must conform to statutory requirements in the matter of rates and treatment of shippers, steamship companies, through private arrangements, have secured for themselves monopolistic powers as effective in many instances as though they were statutory. Even granting the advantages claimed for steamship conferences and agreements, all may be withdrawn in the absence of supervisory control without the shippers having any redress or protection. The lines are under no legal obligation to continue these advantages. They exercise their powers as private combinations and are apt to abuse the same unless brought under effective Government control."

The committee believes that the disadvantages and abuses connected with steamship agreements and conferences as now conducted are inherent, and can only be eliminated by effective Government control; and it is such control that the committee recommends as the means of preserving to American exporters and importers the advantages enumerated, and of preventing the abuses complained of.

"The consensus of opinion (see pp. 307 to 308 of the report)," as expressed in the testimony of witnesses and in the numerous communications received by the committee from shippers, "is overwhelmingly in favor of some form of Government regulation of steamship carriers engaged in this country's foreign trade. Nearly all the steamship line representatives who appeared before the committee expressed themselves as not opposed to Government supervision which is reasonable and which is limited to the requirements of full publicity and approval of all agreements or arrangements which steamship lines may have entered into with other steamship lines, with shippers, or with other carriers and transportation agencies. On the other hand, the shippers who appeared as witnesses, or otherwise submitted recommendations for proposed legislation, were in the great majority of instances favorable to a comprehensive system of Government supervision, sufficiently broad to embrace the regulation of rates without actually fixing them, the approval of contracts, agreements, and arrangements, and the general supervision of all conditions of water transportation which vitally affect the interests of shippers. While few of the shippers who communicated with the committee by letter (and the same may be said of witnesses) attempted to specify the details of their recommendations, they are almost a unit in stating that they are convinced of the desirability of having the Interstate Commerce Commission, or a similar commission, exercise a general supervisory power over foreign water carriers and enforce among the conference lines at all times the various contentions which they have claimed for themselves during the hearings before the committee. It is noteworthy that only five of the many communications received by the committee, which were unfavorable to steamship agreements and conferences as now conducted, display an attitude of hostility toward Government regulation. In fact, many of the communications received from shippers make it clear that the writers regard the contentions of the conference line representatives as advantageous to shipper and shipowner if they are honestly and fairly carried out, but state that their experience has been to the effect that, once the combination of lines is established, it is apt to be used in an arbitrary and unfair way by favoring some large corporation or friend to the detriment of other shippers. Such discriminations and arbitrary treatment, it is believed, can only be eliminated by the establishment of some legally constituted authority which is empowered to hear complaints and to order the discontinuance of abuses."

Relative to such supervisory control by the Government of steamship carriers in the foreign trade of the United States, the committee offers the following recommendations:

1. That navigation companies, firms, or lines engaged in the foreign trade of the United States be brought under the supervision of the Interstate Commerce Commission as regards the regulation of rates, the approval of contracts entered into with other water carriers, with shippers, or with American railroads and other transportation agencies, and such other conditions of water transportation as affect the interests of

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shippers. The committee has had under consideration the recommendation of a separate commission for this purpose, but believes that, in view of the close relations existing between rail and water transportation, it would be best to intrust the supervisory control to the Interstate Commerce Commission. If found necessary, in view of the added duties involved in the extension of the Interstate Commerce Commission's jurisdiction to water transportation in accordance with the recommendations to follow, the committee further recommends that the membership of the commission be enlarged.

2. That all carriers engaged in the foreign trade of the United States, parties to any agreements, understandings, or conference arrangements hereinafter referred to, be required to file for approval with the Interstate Commerce Commission a copy of all written agreements (or a complete memorandum if the understanding or agreement is oral) entered into (1) with any other steamship companies, firms, or lines engaged directly or indirectly in the American trade, or (2) with American shippers, railroads, or other transportation agencies. All modifications and cancellations of such agreements or understandings as may be made from time to time should also be promptly filed. The commission should be empowered to order canceled any such agreements, or any parts thereof, that it may find to be discriminating or unfair in character, or detrimental to the commercial interests of the United States.

3. That the Interstate Commerce Commission be empowered to investigate fully complaints charging the unreasonable or unfairness of rates, or to institute proceedings on its own initiative, and to order such rates changed if convinced that the rate under consideration is unreasonably high, or discriminating in character as between shippers or ports, or between exporters of the United States and their foreign competitors; and to order restitution to shippers of all sums collected in excess of reasonable rates. This recommendation is also intended to extend to the supervision of freight classifications used by the lines, and the investigation of complaints charging refusal on the part of any carrier to properly adjust the rates between classes of commodities.

The committee realizes that the steamship business differs essentially from that of the railroads (for those differences see pp. 309 to 311 of the report), and that it might prove injurious to both ship owners and American exporters to require the lines to file their rates and not be permitted to lower the same until after a stipulated period of notice to change rates had been given. On the other hand, the committee feels that in the absence of Government control steamship combinations may in many instances have it within their power to arbitrarily raise rates to an unreasonable degree both as regards the general level and in the case of particular commodities; or, if they so desire, to fail in maintaining rates from the United States to foreign markets on a parity with those from other countries. It is not the purpose of this recommendation to prevent steamship lines from promptly lowering their rates to meet competitive conditions and thus to favor American exporters, who, in competing with foreign markets, often find it necessary in order to close their contracts to have quoted an immediate and favorable rate; but the purpose of the law should be to protect the shipper against any unreasonably high rate which the combination lines may have within their power, by virtue of their agreements and conference arrangements, arbitrarily to impose in the absence of Government supervision and control.

4. That rebating of freight rates to shippers be made illegal, and that, with due regard to the proper loading of the vessel and the tonnage available, discrimination between shippers or ports in the matter of rates and space accommodations be prohibited. In this connection it is the belief of the committee that water carriers should be required to charge equal rates to all shippers irrespective of the volume of freight offered for shipment.

5. That the Interstate Commerce Commission be empowered to investigate fully all complaints (or to undertake such investigation on its own initiative) charging (1) failure on the part of any carrier to give reasonable notice of increase in rates, (2) unfair treatment of shippers in the matter of cargo space and other facilities, (3) the existence of discriminating or unfair contracts with certain shippers, and (4) unfairness in the settlement of claims and indifference to the landing of freight in proper condition. In this connection the commission should be empowered to order the discontinuance of all unfair or discriminating practices which it may find to exist and to adopt whatever measures it may deem necessary to protect the complainant against retaliation.

6. That the use of "fighting ships" and deferred rebates be prohibited in both the export and import trade of the United States. Moreover, all carriers should be prohibited from retaliating against any shipper by refusing space accommodations when such are available or by resorting to other unfair methods of discrimination,

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because such shipper has patronized an independent line or has filed a complaint charging unfair treatment or for any other reason.

7. That adequate penalties be provided to correct and prevent the abuses hereinabove set forth.

RECOMMENDATIONS RELATING TO WATER CARRIERS ENGAGED IN THE DOMESTIC TRADE.

Unlike the practice of water carriers in the foreign trade of the United States, agreements to divide the territory or charge certain rates in the domestic trade are few. Competition in rates between domestic water lines, however, has been quite as effectively eliminated as in the foreign trade, and this has been accomplished by the several lines through one or more of the numerous methods discussed in Part II of the foregoing report and summarized on pages 409 to 412. (Also see pp. 403 to 412, giving a "summary of the extent and methods of control of competition between water carriers in the domestic trade.")

The act of August 24, 1912, providing for the opening, maintenance, protection, and operation of the Panama Canal, contains provisions extending the jurisdiction of the Interstate Commerce Commission over interstate transportation which involves the carriage of property by rail and water, in the following particulars; viz, (1) to establish physical connection, where this is reasonably practicable and justifiable, between the rail carrier and the dock of the water carrier by directing either or both of the carriers to construct the connecting tracks; (2) "to establish through routes and maximum joint rates over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced"; and (3) "to establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what veessels and upon what terms and conditions such rates will apply." Section 11 of the act also provides for the divorcing of common carriers by water from the railroads under certain conditions. These legislative requirements go far toward eliminating some of the undesirable practices which were found by the committee to exist in the domestic commerce of the United States. The committee, however, believes, in view of the facts presented in Part II of the report, that additional legislation is required, and wishes to offer the following recommendations:

1. That the jurisdiction of the Interstate Commerce Commission be extended to the interstate port-to-port traffic of domestic water carriers, with full power to require all such carriers to file their port-to-port rates and to submit reports of their financial and business operations. As regards interstate port-to-port traffic the Commission should be given full power to regulate rates and to determine maximum charges.

2. That water carriers be required to file for approval with the Interstate Commerce Commission all agreements or arrangements affecting interstate transportation, whether written or oral, and all modifications or cancellations thereof, with other water carriers, with railroads or other transportation agencies, or with shippers.

3. That the carriers be prohibited from granting rebates of any kind to shippers and from discriminating between shippers in rates, in the giving of space accommodations and other facilities, and in the making of unfair contracts based on the volume of freight offered. Water carriers should also be prohibited from using fighting ships, or deferred rebates, or from threatening or resorting to retaliatory or other unfair measures against shippers or competitors. The Interstate Commerce Commission should be empowered to adopt whatever measures it may consider necessary to protect shippers or competitors against such retaliatory methods. Water carriers, if cutting rates with a view to driving out a competitor, should be denied the privilege of restoring rates; and jurisdiction should be conferred on the Interstate Conmmerce Commission to determine whether rates were cut with the object of crushing such competitor.

4. That the Interstate Commerce Commission be empowered to investigate fully all complaints charging unfairness in the settlement of claims, and indifference to the loading and landing of freight in proper condition; and to adopt all necessary rules and regulations for the adjustment and settlement of claims.

5. That as regards all matters relating to interstate transportation, all traffic associations or conferences, whether pertaining to through rail-and-water transportation or to port-to-port traffic only, be brought under the supervision of the Interstate Commerce Commission. The committee recommends that the conditions under which an outside water carrier is admitted to such associations or conferences should be approved by the commission, and that an outside line should not be denied membership for unfair reasons or simply because the unanimous consent of existing members of the association or conference to the admission of said line can not be obtained.

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6. That the railroads be prohibited from making the through rail-and-water route unprofitable as compared with the all-rail route by charging more for the same service on water-borne commodities than they charge for the proportionate share of the all-rail haul.

7. That the Interstate Commerce Commission be empowered to compel railroads to allow competitive water carriers to apply effective differentials. The commission should also have full supervisory power over divisions between railroads and water carriers as regards through rail-and-water rates. The committee recommends that rate divisions on any trade route should be opened equally to all water carriers that comply with such conditions of quality and regularity of service as the commission may determine to be reasonable.

8. That the railroads and water carriers be required to issue through bills of lading to all interstate water carriers that meet such conditions of quality and regularity of service as the Interstate Commerce Commission may consider reasonable.

9. That railroads be required to account separately to the Interstate Commerce Commission for the income and expenditures of interstate water lines owned or controlled by them.

10. That railroads be required to make their terminal facilities available to water carriers on equal terms and under such reasonable conditions as the Interstate Commerce Commission may prescribe. The committee also believes that the Federal Government should pursue a policy of not expending money in the interests of any port for harbor or channel improvements unless that port has efficient dock facilities available to all water carriers.

11. That there should be legislation providing for equal treatment to all shippers and water carriers by transfer and lighterage concerns when forming a link in interstate or foreign commerce.

12. That all interstate traffic on canals be placed under the supervision of the Interstate Commerce Commission; and that the railroads be prohibited in the future from acquiring, either directly or indirectly, ownership and control of or interest in canals, or water lines, forwarding companies, and other navigation facilities on such canals, when the same are used in interstate transportation.

It will be noted that the committee recommended that the powers of the Interstate Commerce Commission be extended to common carriers by water, or that some other tribunal should be created and vested with jurisdiction over common carriers by water.

The consensus of public opinion seems to favor the creation of a shipping board vested with such powers rather than to add to the duties, and responsibilities of the Interstate Commerce Commission.

The Interstate Commerce Commission is now vested with some of the powers covered by the recommendations of the committee, and to avoid any possible conflict of jurisdiction section 32 of the bill expressly provides: "That this act shall not be construed to affect the power or jurisdiction of the Interstate Commerce Commission, nor to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of such commission; nor shall this act be construed to apply to intrastate commerce."

Administrative Provisions.

SECTIONS 22 TO 34, INCLUSIVE.

While the part of the bill relating to the regulation of carriers by water differs necessarily and materially from the corresponding provisions of the interstate commerce act, the difference is not so radical that the administration and enforcement provisions of the latter act and the nearly 30 years' experience of the Interstate Commerce Commission can not be adapted with slight modifications to the purposes of this bill.

Section 22, relating to the requiring of information, confers upon the board only a part of the power of the Interstate Commerce Com-

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mission under section 20 of the interstate commerce act, by which the commission is empowered to prescribe a uniform system of accounts as well as the form of all accounts, records, and memoranda to be kept by carriers subject to the act, and its examiners given access to such accounts for the purpose of inspection and examination. While it is well within the power of Congress to impose similar requirements upon carriers by water in interstate commerce, the committee deems it neither advisable or necessary, at least at this time, to make the provisions of this bill any more burdensome in this respect upon carriers by water in interstate commerce than those imposed upon similar carriers operating under foreign flags and engaged in the foreign commerce of the United States.

Sections 23 to 31, inclusive, modeled very closely after the interstate-commerce act, in brief and concise manner confer upon the board power to make orders necessary for the enforcement of the act, and provide the means for the enforcement of such orders.

Under section 23 any person may file with the board a sworn complaint setting forth any violation of the act. The board, after due notice to the person complained of, shall investigate the matter and make such order as may be proper, including an award of reparation for any injury resulting from the violation. Similar powers are conferred upon the board to investigate and make orders upon its own initiative, except that awards of reparation may be made only upon complaint. Provision is also made in section 24 that orders relating to a violation may be made only after a full hearing. While this secures to a person alleged to have violated the act a full opportunity to be heard in his own defense, it at the same time leaves free from unnecessary restrictions the action of the board in other matters.

The provisions of section 24 relating to the time during which orders of the board shall continue in effect are the same as those of the interstate-commerce act, but the provision of the latter act that orders shall not take effect for 30 days has been omitted, as the committee feels that this matter should properly be left to the discretion of the board.

The provisions of section 27 relating to the power of the board to compel the attendance of witnesses and the production of documentary and other evidence are also substantially similar to those of the interstate-commerce act, except that the board may exercise such power only "for the purpose of investigating alleged violations of this act" instead of "for the purposes of this act" as in the interstate-commerce act. Under this broad phrase in the latter act as construed by the Supreme Court (Harriman *v.* United States, 211 U. S., 407 [1908]) the power of the board is limited to investigations of violations. The provision that testimony may be taken under the direction of the board by any person authorized to administer oaths has been substituted for the lengthy but little-used provisions of the interstate-commerce act relating to depositions. Section 28 includes the essential provisions of the compulsory-testimony act of February 11, 1893, and the immunity-of-witnesses act of June 30, 1906.

In sections 29 and 30, providing the means for the enforcement of orders of the board, the provisions as to jurisdiction of the district courts have been slightly changed because of the difference between rail and water traffic.

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The somewhat lengthy provisions of the district-court-jurisdiction act of October 22, 1913, as to the venue and procedure in suits to enforce, suspend, or set aside orders of the Interstate Commerce Commission are extended by section 31 to apply to orders of the board. In view of the ambiguous provision of that act as to venue, the section provides that such suits may also be maintained in any district court having jurisdiction of the parties.

Section 32 is a general penalty provision, corresponding to section 10 of the interstate commerce act, and making any violation, except where a different penalty is specifically provided, a misdemeanor punishable by a fine of not more than $5,000.

Section 33 provides that this act shall not affect the jurisdiction of the Interstate Commerce Commission nor confer upon the board concurrent jurisdiction over any matter within the jurisdiction of the commission. Its purpose is to obviate a conflict of jurisdiction if in some unforeseen manner any substantive provision of this bill inadvertently overlaps a corresponding provision of the interstate commerce act. The last clause of this section, that the act shall not apply to intrastate commerce, corresponds to the similar provision of section 1 of the interstate commerce act, both of which are rendered advisable in view of the decision of the Supreme Court in the first Employers' Liability cases (207 U. S., 463 [1908]).

Section 34 is merely a legislative declaration of the separableness of each provision of the act, so that in the very unlikely event of any provision being unconstitutional the remainder of the act would not be endangered thereby.

The active duties of the board will devolve on the commissioners appointed by the President; hence the committee thought it wise to increase the number from three, as proposed in the original bill, to five, as provided in this bill. The Secretaries of the Navy and Commerce are heads of great departments of the Government, and they will have little time to give to the duties of the board. In view of the fact that the vessels to be constructed or purchased by the board are to become naval auxiliaries and may be listed by the Secretary of the Navy as vessels of the United States naval auxiliary reserve, and the officers and crews of such vessels may, under regulations prescribed by him, enlist as members of any naval reserve force established by law, it was thought that he should be made a member of the board. The reasons for making the Secretary of Commerce a member of the board are even more cogent, as the Bureaus of Navigation, Steamboat-Inspection Service, Light Houses, and Coast and Geodetic Survey are under the jurisdiction of that department.

The committee fully recognizes that many of the duties of the board are quasi judicial in character, like those of the Interstate Commerce Commission, and the board should be removed, as far as possible, from partisan political influence; hence the bill provides that not more than three of the five commissioners shall belong to the same political party.

We have faith to believe that the President in naming the commissioners will have greater regard for their fitness to discharge the very grave and responsible duties that will devolve upon them than for their party affiliations.

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We believe this board will become permanent and that its functions will in time become as important in the development and supervision of our mercantile marine as those of the British board of trade to the mercantile marine of Great Britain.

SHIP BUILDING.

It is generally conceded that at this time merchant vessels can be built in American shipyards at less cost than in foreign shipyards. The board has the power to have built or purchase vessels built in American shipyards or elsewhere, giving preference to American shipyards. Unless conditions change materially in Europe at the close of the war, all the vessels for the construction, or purchase, of which provision is made in the bill will be built in American shipyards. It is the earnest desire that all such vessels may be built in American shipyards, and we have good reason to believe that by utilizing improved methods in shipbuilding, and by standardizing the various types of vessels, not only the cost of construction may be very materially reduced, but the cost of operation as well.

In this connection the committee invites attention to the statements of Capt. Ellsworth P. Bertholf, Captain Commandant of the Coast Guard; Capt. C. A. McAllister, of the Coast Guard; and Mr. E. Platt Stratton, supervisor of the American Bureau of Shipping, in a letter to Hon. William C. Redfield, Secretary of Commerce, and referred to by the Secretary at the hearings, which is printed in the hearings, and on account of its importance is here reproduced:

"AMERICAN BUREAU OF SHIPPING,
"*New York, January 22, 1916.*

"HON. WILLIAM C. REDFIELD,
"*Secretary Department of Commerce, Washington, D. C.*

"MY DEAR MR. SECRETARY: As you are not likely to be in this city prior to February 23, and knowing your sincere desire to facilitate the development of American commerce, I take the liberty of submitting the following for your kind consideration.

* * * * * * *

"The present type of construction has brought about a ship of a comparatively square bilge supported internally by margin plates of the double bottom, which in turn accommodates any accumulation of bilge water and concentrates its flow to whatever type the pumping system may be adapted.

"This class of construction requires the cutting of all frames at the bilge and uniting them with the floors by means of gusset plates, thus doing away with the expensive and cumbersome method of bending frames in one piece from keel to gunwale. All of the members, therefore, of the modern ship anticipates comparatively straight pieces with the exception of the stem, cant frames, and stern frame.

"It is, therefore, now possible to readily ship on flat cars or by water transportation, all the members ready for assembling of any vessel of the type herein referred to.

"The best method of construction now anticipates the punching of all rivet holes from one-sixteenth inch to one-eighth inch scant, preparatory to the members being assembled when the punch holes of scant diameter are reamed with pneumatic tools, after the plates and members are assembled and service-bolted; all riveting being done with pneumatic holders on and pneumatic riveters, preceding which all holes are reamed by pneumatic tools and are therefore made fair in position. Two men with one of these reamers will ream and make fair to standard sizes, from 1,400 to 1,600 holes a day."

Secretary REDFIELD. The description follows closely the construction of steel-frame buildings.

"With these conditions before us it seems to me that the time has arrived when great steel companies should undertake the preparation and fabrication of cargo ships complete, in batches of at least 10 of a kind, to be reassembled and riveted up

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on our river, lake, or seacoast in the same way and manner in which such companies are now supplying the members for elevated railroads and bridge construction, the plates for such vessels first to be approved by the classification society representing the underwriting interests, which in turn would insure the lowest rates of insurance on the vessel when constructed under superintendence and survey.

"Several shipyards in existence on the line of the Ohio and Mississippi Rivers could thus be utilized to great advantage in assembling vessels of the type referred to, which would insure the utilization of a type of labor of the greatest value at seasons when not properly employed in agriculture.

"I incline to the belief that the right type of man might take up this matter with some of the subordinate companies of the United Steel Co. and carry it through to a very successful issue; and the time and circumstances seem to be opportune for such an undertaking.

"The model of such vessels should first be tested in the governmental tank at Washington, which would give lines of least resistance in specific displacement.

"Steam, reciprocating, turbine, or internal-combustion engines could be contracted for on specific lines suitable to the vessels during the progress of their construction, and in this way standard units of commerce of assured excellence could be produced which would offer the greatest facility to owners, merchants, or shippers on assured lines of efficiency.

"Should you kindly consider this brief outline worthy of consideration, it will furnish me great pleasure to facilitate any ideas which you may have upon the subject in the interest of all concerned.

"Very truly, yours,

"E. PLATT STRATTON."

Secretary REDFIELD. The suggestion was of such original character that I submitted it at once to the naval constructor, Bureau of Lighthouses, and he replied under date of January 29, "I beg to state that I have considered the proposition as outlined therein, and in my opinion it is entirely feasible, provided that a suitable type of design of vessel to meet the commercial demand be settled upon," and the report proceeds in approval.

I then returned the matter to the American Bureau of Shipping and asked them if they would be kind enough to reconsider it with a great deal of care and advise me finally what I could with some confidence lay before this committee as a statement showing the possibilities in it as a method of constructing vessels. You are all aware, gentlemen, that the structural-steel industry is an American industry. The buildings of Europe are not built of structural steel. They do not build steel-frame buildings, as we build them, in any other country. I say never, meaning very rarely, if ever. It is an American industry, which we have carried to a greater height of perfection than any other country, and if it is possible, as these practical gentlemen say, to utilize this method of constructing hulls, there is no country in the world prepared to compete with us in that way.

In response to my inquiry I received this letter, dated February 8, of which I will read a brief portion:

"If any one of the great steel companies of this country could be induced to start out on the plan herein enunciated for cargo ships, I think that within two years we could be launching vessels from one to five thousand tons cargo capacity in many sections of the country. There are many wooden-ship yards on our coast, bays, and tributaries where the assembling of ships could be very advantageously conducted, with far less difficulty and much more expedition than our ocean-going fleet of a half century ago was hewn out and assembled from material existent within our forests."

And then follows his formal statement in detail of the method of constructing the vessels.

[By E. Platt Stratton, supervisor of the American Bureau of Shipping.

"Signs multiply of a disposition in the United States so to standardize the construction of cargo types of steamships as greatly to reduce their cost. This tendency is to be encouraged in every way possible, since its successful development will go a long way toward making the United States entirely independent of other countries in the construction of the ships in its foreign carrying, as the country always has been independent of foreign countries in the construction of ships for its domestic carrying.

"In the construction of ships for the carriage of passengers and freight and in the construction of the higher-class swift leviathans that carry passengers, mails, and express standardization is not practicable; but in the construction of the higher types of ships the United States is not so far behind shipyards of other countries in the matter of cost as it is in the construction of the purely cargo type of ship.

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"SOME CONSTRUCTION DETAILS.

"Cargo steamships of from 1,000 to 10,000 deadweight capacity on a block coefficient of from 75 to 80 per cent of the cube of their length, breadth, and depth, and a standard rate of speed not to exceed 12 knots, is the trend and the type most useful for general trade. Such vessels are now built with double bottoms for water ballast, which have become more and more of a necessity to facilitate the handling of the ships when light or in motion without cargo. Double bottoms also offer great facility for the storage and use of any of the varieties of liquid fuel, which frequently are found to be more advantageous, if not more profitable, than coal, particularly when the cost of stowing it in the ship's bunkers and the cost of firing it with man power is considered.

"Vessels of this type of construction have brought about an arrangement to protect cargoes from bilge water, through flat floors, full or square bilges supported internally by the margin plates of the double bottoms, which in turn form gutters or bilges. This method of construction necessitates the breaking of the continuity of all ships' floors and frames at the turn of the bilge, properly flanged 'gusset plates' supplying the necessary strength at the points where they are reunited. This does away completely with the heretofore expensive and somewhat cumbersome method of rolling frames in great lengths and then reheating and bending them preparatory to their being assembled in position to receive the plating of the ship.

"The methods of metal ship construction heretofore in use has involved the making of templates for each plate, angle, and shape used in the vessel's construction and a vast amount of work in the shipyard involving fitting, bending, punching, fairing, and riveting. In vessels of large dimensions many of these separate parts are of such weight and size as to require machinery and gangs of workmen to handle them in the different processes of assembling, fitting, and riveting them when in their proper positions in the ships.

"THE GREAT STEEL PLANTS SHOULD TAKE HOLD.

"In this connection, think what would be the cost, detention, and protracted delay if our elevated railroad structures, bridges, fireproof hotels, storehouses, and railroad depots were built after such a manner. The only condition that seems to justify such a method in ship construction is the necessity of constructing the vessel where and when as an assembled mass it may be launched where it will receive its equipment and fittings afloat, all of which go to make the complete and perfect cargo ship, or, as President Wilson has charactreized it, 'a national shuttle of industry.' The opportunity is now open for some of our great steel plants to prepare models of a series of cargo steamships of standard designs and varying tonnage, submitting the models to tank experiments in advance, say, under the supervision of the Navy Department, in order to secure vessels with lines of least resistance; also having tables of scantlings approved by the national inspection service and the American underwriters, thus assuring the lowest rates of marine insurance on the vessels when completed. At the mills all parts, whether plates, angles, or shapes, would be of standard dimensions, sheared and punched to standard templates, all holes being punched and left from one-sixteenth to one-eighth of an inch scant to allow for reaming to standard gauge. When the parts shall have been assembled for service, bolting and riveting at the point or place of final fabrication, the reaming of holes, riveting, chipping, and calking, all then being done by pneumatic tools.

"Such methods would insure the prompt rehabilitation of many of the Nation's original shipbuilding plants for this assembling and fabrication of hundreds of ships of various sizes, which could not by any other method be dealt with. It can therefore be readily understood that the work at the coast or in the shipyard would only be one of assembling and riveting up the parts furnished by the steel mills to the railroads for delivery at the point of fabrication.

"DUPLICATION OF PARTS.

"The motive power for such standardized vessels for fixed rates of speed can be reliably furnished as specialities of manufacture in duplication in the same manner in which standard types of pumps, turbines, and internal-combustion engines are now manufactured and supplied by such establishments as the General Electric Co., the Westinghouse Co., William Cramp & Sons, W. & A. Fletcher Co., and the Babcock & Wilcox Co., as well as other boiler companies that now supply large installations of boiler equipment.

"Such methods of ship construction and equipment anticipate the utilization of many of our original wooden shipyards, since the chief requirements will be facilities for

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assembling the various parts of the ship and launching the hull when fully fabricated, for there are still many valuable shipbuilding locations along the water front of the Ohio and Mississippi Rivers, and the coast, bays, and tributaries, at points where labor is to be found in abundance and of a character that can be utilized to the greatest advantage.

"STEEL MILLS AS INITIAL SHIPBUILDING PLANTS.

"Our country's great steel works now possess the facilities in capacity, if not in detail, for furnishing the finest shipbuilding material at as low prices as that of any other country.

"The perfection of the various details in ship construction herein referred to in outline will doubtless quickly bring the United States to the front as the first shipbuilding nation of the earth in the production of standard cargo carriers unequalled by any other nation possessed of like commercial facilities, to which our unlimited quantities of cheap materials will greatly contribute. With cargo carriers thus under such good headway our shipyards will gradually become expert in the construction of all of the types of merchant ships that go to make up a general marine. The opportunity and all of the accessories necessary for success are now ours."

Secretary REDFIELD. It was not with any idea, Mr. Chairman, of this nature that we did what was done in the way of developing this bill. This has all come up since the matter was thought of, and is simply a very interesting illustration of what has been possible in other lines of work, and what new types of vessels may be possible hereafter.

(The memoranda submitted by Captains Bertholf and McAllister are as follows:)

SHIPPING BILL—COSTS OF OPERATION—TYPICAL SHIPS, USING AVERAGE WAGE AND FREIGHT RATES WHICH OBTAINED BEFORE THE EUROPEAN WAR.

In the report of the discussion of the relative merits and costs of different types of ship-propelling machinery, which took place at successive meetings of the Northeast Coast Institute of Engineers and Shipbuilders in England, it was decided that the typical cargo ship of the world at the present time is one having the following dimensions, etc.:

Gross tonnage	4,665
Net registered tonnage	2,930
Dead-weight cargo capacity	7,880
Steaming radius	3,500
Average sea speed (knots)	10½
Indicated horsepower	2,500

A large proportion of the proposed naval auxiliary reserve fleet contemplated by the shipping bill will naturally be vessels of that size. In order to compare the relative costs of operation of an American vessel and of the average existing foreign competitor in the Pacific Ocean, this type of vessel will be used. The cost of wages and of fuel are the main items of expense in the operation of any vessel. This vessel will have a crew of 44 officers and men. From various sources it is found that the cost of wages per month on the Pacific Ocean for an American vessel with an American crew was $2,210 ($26,520 per annum), while for the average foreign competitor with Asiatic crew it was $1,150 per month ($13,800 per annum). The American vessel was thus handicapped in the Pacific trade with an additional cost of $1,060 per month on wages alone ($12,720 per annum), which it is claimed is the principal item in the difference in cost of operation.

Assuming that our typical new freighter is equipped with the modern type of Diesel engine, burning crude oils by internal combustion, there will be certain elements of economy of operation incident to this type of propulsion, as follows:

1. *Less cost of wages of operating force, due to the smaller number of men required.*—There seems to be, in the opinion of experts, a question as to the economy of operation of a Diesel engine (excluding cost of fuel), due to higher initial cost, greater insurance rates, and possibly greater cost of repairs, although the preponderance of opinion points out that there is a tangible saving in cost of operation. For the purpose of this comparison this item will be ignored, in order to be entirely conservative.

2. *Less cost of fuel for operation.*—There is absolutely no question concerning the great saving in cost of fuel. To arrive at a comparison we will assume this typical freighter as operating between San Francisco, Cal., and Valparaiso, Chile, and that she makes only five round trips per annum. The distance between ports is 5,140 miles. On each voyage the average consumption of oil will be 231 tons; the same ship fitted with the average steam machinery using coal, will use 597 tons. The cost of coal on the Pacific coast may be taken at $6 per ton, and of oil at $7 per ton. Applying these

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factors we find a saving in cost of fuel each one-way voyage of $1,965, or $19,650 for five round trips.

3. *Gain in freight-carrying capacity, owing to less space occupied by the propelling machinery and less space necessary for storing fuel, which, it has been demonstrated, can be carried in a ship's double bottom—a space in steam-propelled vessels heretofore utilized only for water ballast.*—The increased capacity incident to Diesel-engined ships is variously estimated by writers on the subject as from 5 to 10 per cent on the dead-weight cargo rating. To be well within conservative limits, the assumption is made in the typical ship that her dead-weight capacity is increased from 7,880 to 8,280 tons (400 tons), a trifle over 5 per cent. Prior to the existing war the freight rates between Chile and the United States, on the average of all bulk commodities, is shown by the Consular Reports to have been approximately $12 per ton. At the present time they have increased about 80 per cent over that figure, and in the case of nitrates, the principal article of export, the increase has been 100 per cent. Again, taking a conservative estimate, we will assume an average freight rate of but $8 per ton, weight or measurement. In a 400-ton increase in capacity this will amount to $3,200 per one-way voyage, or $32,000 per annum for five round trips, in favor of the typical ship having Diesel engines.

RÉSUMÉ—PACIFIC COAST.

Typical new American ship with Diesel engines, American crew, American wages, and American standard of food, versus typical existing foreign competitor with average efficiency of steam propulsion, Asiatic crew, cheap wages, and poor food, both vessels making five round trips a year between the west coast of the United States and the west coast of South America, a distance of about 5,000 miles:

Increased annual cost for American ship:		
Wages of 44 officers and men	$12,720	
Food at 50 cents per day instead of 20 cents	4,752	
		$17,472
Decreased annual cost for American ship:		
Saving in cost of oil fuel over coal		18,644
Net annual saving for American ship		1,172
Annual increase in earning capacity of American ship from 400 tons additional freight space		32,000
Operating returns in favor of American ship, per annum		33,172

ATLANTIC COAST.

For the typical bulk carrier on the Atlantic coast the conditions are somewhat different from those on the Pacific coast, as follows:

1. The difference in cost of crews was less, as competitive vessels in these waters do not operate with Asiatic crews, and their standard of food is higher than for Asiatic crews.

The American scale of wages for officers and crew can be taken as the same as those for corresponding vessels on the Pacific coast, but for foreign competitors with Caucasian crews on the Atlantic coast the average wage scale for the typical freighter will be approximately $1,500 per month ($18,000 per annum). Food cost 30 cents per day at least.

2. Coal being more plentiful and the various seaports nearer to the mines, the cost is less than on the Pacific coast. The ports on the North Atlantic particularly are farther removed from the oil wells, and in consequence the average cost of oil is higher than on the Pacific coast.

The average cost of coal at various Atlantic ports will be $4 per ton, while the average cost of fuel oil should be taken at $8.75 per ton, a price somewhat above the normal average.

The average length of voyage will be assumed the same as from San Francisco to Valparaiso (5,140 miles), as the distance from New York to Rio Janeiro is 4,441 miles, and from New York to Montevideo is 5,497 miles. The freight rates are approximately the same as those on the Pacific coast, and for purposes of comparison we will assume it to be an average of only $8 per ton, weight or measurement freight.

Applying these modifications for the Atlantic coast to the typical freighter assumed we would have the following:

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RÉSUMÉ—ATLANTIC COAST.

Typical new American ship with Diesel engines, American crew, American wages, and American standard of food versus typical existing foreign competitor with average efficiency of steam propulsion, European crew, fair wages, and fair food, both vessels making five round trips a year between the east coast of the United States and the east coast of South America, a distance of 5,000 miles.

Increased annual cost for American ship:		
Wages of 44 officers and men	$8,520	
Food at 50 cents per day instead of 30 cents	3,204	
		$11,724.00
Decreased annual cost for American ship:		
Saving in cost of oil fuel over coal		$7,672.00
Net annual loss for American ship		4,052.00
Annual increase in earning capacity of American ship from 400 tons additional freight space		32,000.00
Operating returns in favor of American ship per annum		27,948.00

SHIPS FOR PASSENGERS AND FREIGHT.

As has been stated, the larger number of the proposed naval auxiliary fleet will naturally be freight carriers, and consequently of slow and economical speed. While the internal-combustion engine is peculiarly adapted to this class of merchant vessel, there are limitations to the size of this engine. Under existing conditions it would be impracticable to use internal-combustion engines of above 5,000 horsepower (twin screw), and the use of the Diesel engine is therefore practically limited to slow freight ships of not exceeding 5,000 gross tons.

There would be in this fleet of board ships a number of vessels of about 6,500 gross tons and 18-knot maximum speed, for passenger and high-class freight service, and such vessels would be utilized in time of war as transports. This class of vessel requires machinery of over 5,000 horsepower, which is beyond the limit of power for which internal-combustion engines may be used. However, such great progress has been made in steam machinery that a very pronounced saving in fuel can be made by modern installations. Upon certain routes, where American steamship lines are desirable, further economies may be made by burning oil instead of coal.

As illustrative of what can be accomplished in the South American trade we will make the following comparisons:

The steamship *Havana*, of the Ward Line, running to the West Indies, is of the typical size, and the following data are well authenticated. This ship was built in 1907 and consequently represents a vessel somewhat more efficient than the average of all passenger steamers of similar size and type:

Gross tonnage	6,391
Dead-weight capacity	5,084
Horsepower	5,000
Bunker capacity (tons)	1,010
Speed at sea (average knots)	16.6
Coal consumption per day (tons)	145
Number of crew (including 39 firemen and coal passers	147
Monthly wage cost	$5,623
Cost of food ($12 per man)	$1,740

The same data would apply to the typical existing foreign vessel to be met in competition, with the exception of wages and food. The pay and cost of food for the foreign ship was practically 30 per cent less Hence we would have for the operating expenses of the average existing coal-burning foreign steamer the following, taking a 3,200-mile 8-day voyage, or one round trip per month:

Wages (70 per cent of $5,623)	$3,936
Food (70 per cent of $1,740)	1,218
Fuel (145 tons per day, at $4 per ton, 16 days)	9,280
Monthly operation charges, existing foreign steamer	14,434

In the proposed American steamer with up-to-date geared turbine, burning oil fuel, the crew would be reduced to 124 men by cutting out 21 men from the fireroom force and 2 from the steward's force. There would be also a decided decrease in fuel consumption, so that the operating expenses would be as follows for the same service:

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Wages, 124 men at American rates ($5,623—$1,080)	$4,543
Food, 124 men at $12 per month	1,488
Fuel (65 tons of oil per day, at $8.75 per ton) for 16 steaming days	9,100
Monthly operation charges, new American steamer	15,131

In addition the oil-burning American vessel, by carrying this fuel oil in her double bottoms, will gain at least 10 per cent in her freight-carrying capacity, or, at a very conservative estimate, she can carry 500 tons additional revenue-producing freight.

NOTE.—The proportionate gain in freight-carrying space is greater in a faster vessel than in a slow one. The faster a vessel the greater must be her bunker space, which correspondingly reduces the freight space. Hence, when bunkers are eliminated and oil carried in double bottoms there is a greater proportionate gain in freight-carrying capacity than in slower vessels, which do not have to carry so much fuel.

A very conservative freight-rate estimate for a 3,200-mile voyage is $4 per ton (weight or measurement). One round trip per month would give an increased earning capacity of $4,000 in favor of the American vessel (500 tons additional freight at $4 each way).

A further saving in oil-burning vessels is a marked reduction in the cost of upkeep of boilers, cost of painting the ship, etc., which items, however, are ignored in this comparison.

RÉSUMÉ—ATLANTIC COAST.

Typical new fuel-oil-burning ship, with geared turbines, American crew, American wages, and American standard of food, versus typical existing foreign competitor, with average efficiency of steam propulsion, European crew, fair wages, and fair food, both vessels making one round trip a month between the Atlantic coast of the United States and the east coast of South America on a route of 3,200 miles.

Increased annual cost for American ship:

Wages	$7,284	
Food	3,240	
		$10,524.00
Decreased annual cost for American ship:		
Saving in cost of oil fuel over coal		2,160.00
Net annual loss for American ship		8,364.00
Annual increase in earning capacity of American ship from 500 tons additional freight space		48,000.00
Operating returns in favor of American ship, per annum		39,636.00

To illustrate what actually has been done on the Pacific coast, the following data concerning the 5,218-ton American steamship *President* is quoted from "International Marine Engineering" of July, 1914 (p. 283–284):

"The *President*, which has just returned to service, has been converted at the Seattle yards on a contract working time of 35 days. Her capacity is 5,600 barrels of oil, and on her maiden run following the change this fast steamer added one knot to her steaming speed.

"In making the oil installation the vessel's double bottom was converted into fuel tanks to carry her capacity.

"Using coal, this vessel formerly filled her bunkers with about 1,350 tons upon each call at Seattle. The operation required 9 working hours, which frequently meant from 12 to 15 hours, including waste time. Now the vessel can fill her tanks while working cargo, thereby having a considerable saving of time, which is no insignificant item, because these vessels are almost constantly moving and running on a schedule almost as good as that of an express train.

"Roughly estimating the value of coal at $3.30 per ton, and that of fuel oil at 80 cents per barrel ($5.60 per ton), it is figured that the *President* will effect a saving in fuel cost alone of between $800 and $1,000 per voyage. (She makes four voyages each month.)

"There are, however, other important features of oil burning which appeal to her owners. With the elimination of coal bunkers each vessel has approximately 600 tons of additional cargo space, which is of much value considering the demand for such space, especially at certain seasons. Probably the most important economy effected, however, is that in crew. Formerly the *President* carried a total of 136 men, and now her roster is but 113. The reduction of 23 men is apportioned, 21 men in the engine department and 2 in the steward's department, the latter being eliminated following the reduction of the fireroom force. Whereas the engine-room crew formerly numbered 44, there are now but 23 required. In addition to the saving in

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wages and subsistence of these men, the quarters formerly occupied by them have been turned into added cargo space."

Of course, it may be said that our foreign competitors can also build these modern ships, but the fact remains that they are handicapped by their existing fleet of coal-burning vessels with expensive types of steam machinery, which they can not afford to put into the scrap heap. This will give us an advantage for a period of at least six years before the competing fleets can be brought up to the same state of efficiency as this proposed American fleet of new ships.

The United States is peculiarly well endowed by its natural resources to enter into a world-wide competition in shipping, since it will be reduced to a battle for the supremacy in economical equipment. Oil will be the most vital factor in this competition on account of its many advantages, and, as is well known, 60 per cent of the world's supply is within the borders of the United States. It is a matter of common knowledge that American shipowners are deterred at present from equipping their new vessels for oil burning owing to the extreme fluctuations in the price of oil. Fortunately, the Government has reserved large tracts of oil-producing lands from the public domains, and should the machinations of private producers tend to deter the development of our merchant marine, it is, of course, possible to resort to the Government's own oil supply.

NOTE.—While the foregoing comparisons were based on wage scales and freight rates as they existed prior to the war, it should not be overlooked that since the outbreak of war the wage scale on foreign ships has increased rapidly, until at the present time it approximates the American scale of wages. Freight rates have increased enormously, as is generally known.

GOVERNMENT OWNERSHIP AND OPERATION OF MERCHANT VESSELS.

Every reasonable objection to the ownership and operation of merchant vessels has been removed in the bill as reported by the committee. Those who favor such ownership and operation are of opinion that the committee has gone too far in limiting such ownership and operation.

The bill provides that the board may, if in its judgment such action is necessary to carry out the purposes of the act, through a corporation or corporations to be organized, in which the United States shall own the majority of the stock, own and operate such vessels. The time within which vessels may be so operated is limited to five years after the present war in Europe shall end. The committee regards this a necessary power to be vested in the board. Whether it may have occasion to exercise it or not will depend upon the readiness of private interests to take over either by purchase or charter of the vessels constructed or purchased by the board, and employ them in serving our foreign commerce, particularly with the east and west coasts of South America, and from our Pacific ports to the Far East. The board may, if that trade is not being adequately served, employ such vessels in the trade with Alaska, Hawaii, and Porto Rico, in addition to the Panama Canal Zone, the Philippine Islands, Guam, and Tutuila.

The American Hawaiian and Luckenbach steamship companies have withdrawn most of their vessels from the intercoastal trade, and they are now employed in the foreign trade, leaving the coastwise trade inadequately served. They justify themselves upon the ground that their earnings are much larger in the foreign than in the coastwise trade. This is no doubt true, yet they are not in a position to object to the board exercising the powers vested in it to see that that trade is adequately served to the limited extent provided in the bill.

The question resolves itself into this: Shall the great commercial interests of the United States be paramount to the interests of the vessel owners who, under existing law, have the monopoly of the

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coastwise trade, and yet exercise the right to withdraw their vessels from that trade whenever it suits their convenience or profit?

In that connection it will be interesting to read the testimony of representatives of those companies at a hearing before the Interstate Commerce Commission in the city of Washington on April 24, 25, and 26, 1916.

OCEAN FREIGHT RATES.

Since the 1st of August, 1914, when the war in Europe began ocean freight rates have increased enormously—in some cases as much as 1,000 per cent. This is true, not only in our trade with Europe, but in our trade with South America and the Far East, Australia, and South Africa.

In response to a request by the committee, Dr. E. E. Pratt, Chief of the Bureau of Foreign and Domestic Commerce, furnished the committee with very full and complete data on the subject of ocean freight rates from the ports of New York, Boston, New Orleans, and Seattle. The tables may be found beginning on page 772 of the hearings, as here given.

OCEAN FREIGHT RATES FROM NEW YORK TO EUROPE—INCREASE FROM JANUARY 1, 1914, TO JANUARY 1, 1916.

The report prepared by the New York district office of the Bureau of Foreign and Domestic Commerce, referring to increases in (1) berth rates and (2) charter rates from New York, says:

1. INCREASE IN STEAMSHIP BERTH RATES.

The increase in the steamship berth rates from the port of New York to various European ports is shown in the accompanying tables, which show the rates on sack flour, compressed cotton, grain, provisions, and measurement goods. These tables afford, therefore, an excellent basis for the study of the general increase in freight rates resulting from the scarcity of cargo tonnage and from other conditions.

The table showing rates for measurement goods covers the rates for practically all articles of general merchandise as well as for a large group of miscellaneous products including steel products, machinery, and other manufactured articles.

The rates for cotton, grain, provisions, and sack flour, furnish a sufficient basis also for deductions regarding the increase in freight rates on bulk commodities carried by regular line steamships.

The increases between January 1, 1914, and December 31, 1915, in the steamship berth rates vary considerably for the specified commodities. The general increase during the period has been between 500 and 1,000 per cent. The increase in rates for grain has been particularly marked.

On January 31, 1914, the berth rate for grain from New York to Liverpool was $0.0607 per 100 pounds and on December 31, 1915, $0.67, an increase of 1,000 per cent. Moreover, on the latter date, with the exception of movement by Government arrangements, it was practically impossible to transport grain in regular-line steamships, the bulk of the grain movement having been turned over to independent vessels chartered for the purpose.

A similar increase is seen in the berth rates on cotton from New York. On January 3, 1914, the rate per 100 pounds on cotton from New York to Liverpool was 28 cents, and on December 31, 1915, $2.25.

The same general ratio of increase is also noticeable in the berth rates for provisions, sack flour, and measurement goods.

Berth rates for measurement goods during the period studied have also shown a marked increase. On January 3, 1914, the rate per 100 pounds for the carrying of manufactured articles from New York to Liverpool was 21 cents, and on December 31, 1915, 63 cents.

While the most noticeable increases in steamship berth rates have been in the rates from the United States to European ports, still the great demand for cargo space for transatlantic tonnage has caused similar increases in the rates to other parts of the

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world. One very striking illustration of this fact is the rate on cement from New York to the River Plate. Previous to the war, rates on cement from New York to the River Plate were very low, about $5 per ton, but to-day an export manager of a large cement manufacturing house in New York reports that he is in a position to quote a selling price for cement in New York of 68 cents per barrel or about $3.40 per ton, while the freight rate on cement from New York to River Plate ports is $16 per ton. The great discrepancy between the cost of the manufactured article and the ocean transportation rate is evident. Moreover, in this connection it should be remembered that the rates on cement from England to SouthAmerican ports have not shown so great a relative increase as the rates from New York to South American ports. At the time the quoted rate from New York to the River Plate was $14 per ton, the rate from Liverpool to the River Plate was approximately $9 per ton.

2. INCREASE IN CHARTER RATES.

The great increases in the steamship-berth rates is paralleled by the increases in the steamship charter rates for full cargoes from New York to European ports. The bulk of the freight tonnage in foreign trade is moved by tramp steamers which are owned by independent steamship companies and are chartered through steamship agents and brokers to individuals and firms desiring steamers for the movement of full cargoes.

No industry is more directly affected by conditions of the demand and supply than the steamship industry and the creation of a great demand for cargo space in any section of the world's markets has a direct effect upon steamship charter rates and berth rates in all parts of the world. Charter rates fluctuate directly in relation to the available cargo tonnage and the demand for cargo space. The great increase in charter rates, therefore, presents the best evidence of the scarcity of tonnage at the present time and the need of additional tonnage if any relief is to be expected.

Grain charters.—Charters for grain are usually based on a charter of a steamship for the transportation of a certain number of quarters, each quarter consisting of approximately 480 pounds, or 8 bushels. On January 3, 1914, when the movement of grain was at a very low ebb, the charter rate from New York to English ports was 2 shillings 1½ pence ($0.52) per quarter. On December 31, 1915, the charter rate was about 13 shillings 6 pence ($3.29) per quarter. The charter rate on December 31, 1915, on grain from New York to Mediterranean ports was 18 shillings ($4.38), while the average rate for grain between the United States and other European ports was between 12 and 14 shillings ($2.92 to $3.41) per quarter.

One interesting feature in connection with the increase in charter rates for grain is the fact that it occured largely during the late summer and fall of 1915. In the fall of 1914, although there was a very large demand for cargo space for grain movement, the charter rates ranged between 5 and 8 shillings ($1.22 to $1.95) per quarter. Even as late as April 3, 1915, the charter rates on grain from New York to European ports were about 9 shillings ($2.19), but during September, October, November, and December, 1915, there was a very great increase in the rates, showing not only a greater demand for cargo tonnage, but also a decrease in the available supply.

Coal charters.—The movement of coal between the United States and foreign countries is carried on primarily on a charter basis, as full cargo shipments are made. The increase in the charter rates on coal therefore furnishes another criterion of the shipping situation. Previous to the outbreak of the European war there was very little movement of coal from the United States to European or other ports. On July 3, 1914, however, a schooner was chartered for the movement of coal from Philadelphia to Calais at $1.10 per ton. As a result of the conditions resulting in a scarcity of steamship tonnage a steamer was chartered on December 31, 1915, for the movement of coal from Norfolk to Boston at $3.25 per ton dead-weight.

Petroleum charters.—In the foreign trade petroleum is carried largely in tank steamers. There is therefore a definite limit to the amount of steamship tonnage available for the handling of petroleum in bulk. Nevertheless the increase in the charter rates for petroleum has been marked, and it is practically impossible at the present time to secure charters for tank steamers at any rate on account of the great scarcity of tonnage.

On April 4, 1914, the charter rates for the movement of case oil from New York to the Far East was 17½ cents per case. On December 31, 1915, a steamer was chartered from New York to Australia at a charter rate of $1.50 per case, and a sailing vessel was chartered for the movement of petroleum in barrels from Philadelphia to the United Kingdom at 13 shillings 6 pence ($3.29) per ton.

Miscellaneous charters.—A great part of the movement of freight by chartered vessels is carried on under different forms of charter. There has been a marked tendency in shipping circles to adopt the time charter, and the increase in the rates for time charters for steamships and sailing vessels has been remarkable. Time charters for indi-

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vidual steamships are usually based on (1) the payment of a lump sum covering the period of the voyage, (2) payment on a monthly basis, or (3) a payment of a lump sum per ton of dead-weight capacity of vessel.

A typical time charter in January, 1914, for a steamer in the trans-Atlantic trade, for one round trip, was made at the rate of 3 shillings 7½ pence ($0.88) per ton dead-weight. In December, 1915, a steamer of about the same tonnage was chartered for one round trip in the trans-Atlantic trade on a basis of 30 shillings ($7.30) per ton dead-weight.

This illustration is typical of a number of others of similar character. Thus, a steamer of about 2,500 tons was chartered for 12 months in April, 1914, on the basis of 2 shillings 10½ pence ($0.70) per ton dead-weight. In October, 1915, not only was it extremely difficult to secure a charter covering so long a period of time, but a steamer of approximately the same tonnage was chartered for one round trip from the United States to the Far East on the basis of 15 shillings ($3.65) per ton deadweight. Time charters for larger vessels, especially for particular trades, have gone as high as $54,000 per month, as in the case of American vessels used in the cotton trade with Germany last fall when it was possible to ship raw cotton to Bremen direct.

Another striking illustration of the tremendous increase in charter rates is shown by the charter of a small steamship of 989 tons for the West Indian and coastwise trade, on December 31, 1915, for 12 months at the rate of $7,000 per month.

Charters to South America.—The increase in charter rates for the movement of goods between the United States and South America is of particular interest. On January 3, 1914, a steamer of about 3,200 tons was chartered for the movement of coal from the United States to Rio de Janeiro at 15 shillings ($3.65) per ton. On December 31, 1915, a Norwegian steamer of only 2,400 tons was chartered for the movement of coal from Atlantic ports to Rio de Janeiro on a basis of 52 shillings 6 pence ($12.70), and a schooner of only 1,000 tons was chartered for the movement of coal from Norfolk to Para on the basis of $7.50 per ton. In view of the fact that the cost of the coal at Norfolk was approximately $2.85, the relation of the steamship rate to the cost of material was extremely noticeable.

One of the commodities that has been severely affected by the increase in the freight rates is lumber. On January 3, 1914, a Russian steamer of about 1,500 tons was chartered for the movement of lumber from one of the Gulf ports to the River Plate at 105 shillings ($25.55) per standard (2,000 board feet). On December 31, 1915, a sailing bark of 1,500 tons registry was chartered for the movement of timber from the Gulf to British ports, a shorter voyage, at 320 shillings ($77.86) per standard.

Another striking illustration of the great increase in the freight rates during the last 12 months is shown by the fact that on January 3, 1914, a steamer of 2,200 tons register was chartered for the New York and South American trade at the rate of 4 shillings 7½ pence ($1.13) per ton dead-weight, and in December 31, 1915, a Norwegian bark of 1,500 tons register was chartered for the movement of nitrate from South America to the United States on a basis of 70 shillings ($17.03) per ton dead-weight.

General summary.—The above tables and facts bring out four salient points:

1. A very steady and remarkable increase in steamship rates from New York to all parts of the world is noticeable. This has been particularly true of steamship berth rates and even been more marked in the matter of charter rates.

2. A scarcity in steamship tonnage, which was noticeable at the outbreak of the war on account of the withdrawal of the German and Austrian merchant shipping, and the requisition of a large part of the British marine under Admiralty orders, has been instrumental in causing a decrease in the supply of steamship tonnage. The decrease of steamship tonnage has been accompanied by a steady growth in the demand for cargo space for the movement of goods from New York to Europe. As a result, steamship rates have continued and will continue to mount unless some changes can be brought about in the present situation.

3. The most important feature of the situation from the standpoint of the United States is the fact that the tremendous demand for cargo space coupled with the scarcity of steamship tonnage in the transatlantic trade has seriously affected the trade of the United States with neutral and outlying countries, such as South America, Australia, South Africa, and the Far East. It is practically impossible to secure any tonnage either sailing or steam except at exorbitant rates for the transportation of goods from the United States to those countries. This is due to the length of the voyage and to the fact that greater profits can be secured in the shorter voyage at trans-Atlantic rates.

4. There is a general feeling among shippers of goods from the port of New York that the Government might be able to materially assist the situation by securing and operating vessels which would be entered into service for the purpose of moving American goods to such markets as Australia, the Far East, and South Africa, for which at the present time it is practically impossible to secure cargo space at a rate which will enable the customer to purchase the goods.

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Ocean freight rates from New York to European ports.

GRAIN, PER BUSHEL.

Date.	British ports.				Danish port, Copenhagen.	Dutch port, Rotterdam.	French ports.		Italian ports.	
	London.	Liverpool.	Glasgow.	Hull.			Havre.	Marseille.	Genoa.	Naples.
1914.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Jan. 3	4.6	4.1	4.1	5.1	5.7	5.3	8.4	9.1	9.1	10.7
10	4.6	4.1	4.1	5.1	6.1	4.5	8.4	9.1	9.1	10.7
17	4.1	4.1	4.1	5.6	6.1	3.8	8.0	8.4	8.4	9.9
24	4.1	4.1	4.1	5.6	6.1	3.8	8.0	8.4	8.4	9.9
31	4.1	4.1	4.1	5.1	5.7	3.8	7.6	8.4	6.9	9.1
Feb. 7	4.1	4.1	4.1	4.6	5.7	4.0	7.6	7.6	7.2	9.1
14	4.1	3.5	4.1	4.6	5.7	4.3	7.6	7.6	7.2	9.
21	4.1	3.5	4.1	4.6	5.7	4.3	7.6	7.6	7.2	9.
28	4.1	3.0	4.1	4.1	5.7	4.3	7.6	8.0	6.1	9.1
Mar. 7	4.1	3.0	4.1	4.1	5.7	4.0	7.2	8.0	6.1	9.1
14	3.5	2.5	3.5	4.1	5.7	4.0	7.2	7.6	5.3	9.1
21	3.5	2.5	3.0	4.1	5.7	4.0	6.5	7.6	5.3	9.1
28	3.5	2.5	3.0	4.1	5.7	3.5	6.5	7.6	4.6	9.1
Apr. 11	3.5	2.5	3.0	4.1	5.7	3.5	6.5	6.1	4.2	9.1
18	3.5	2.5	3.0	4.1	5.7	3.5	6.5	6.5	4.2	9.1
25	3.5	2.5	4.1	4.1	5.7	3.5	7.2	6.9	4.2	9.1
May 2	3.5	2.5	3.0	3.5	5.7	3.5	6.5	6.5	6.1	9.1
9	3.5	2.5	3.0	3.5	5.7	3.8	6.5	6.5	6.1	9.1
16	3.0	3.0	3.0	3.5	5.7	3.8	6.5	7.6	5.3	6.1
23	3.0	3.0	3.0	3.5	5.7	3.5	6.1	7.6	5.3	6.1
29	3.0	3.0	.....	3.5	5.7	3.3	6.1	7.6	5.3	6.1
June 6	3.0	3.0	4.1	3.5	5.7	3.3	6.1	7.6	5.3	6.1
13	3.0	3.0	4.1	3.5	5.3	3.0	6.1	7.6	6.1	9.1
20	3.0	4.1	4.1	3.5	5.3	3.0	6.1	7.6	6.1	9.1
27	3.0	5.1	4.1	3.5	5.3	3.0	6.1	8.4	6.1	9.1
July 3	3.5	5.1	4.1	3.5	6.1	3.5	6.1	8.7	6.9	8.4
11	4.1	5.1	4.1	5.1	6.1	6.3	7.2	8.7	6.9	8.4
18	5.1	5.1	3.0	5.6	6.1	6.4	7.2	8.7	6.9	8.4
Aug. 1	5.1	5.1	3.0	5.6	6.1	6.0	7.6	9.5	8.4	8.4
8[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
15[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
22[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
29[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sept. 5	6.6	5.1	6.1	7.1	13.7	.....	7.6	.....	.....	.....
12	6.6	5.1	6.1	5.1	12.2	.....	7.6	.....	.....	.....
19	6.6	5.1	6.1	6.6	12.9	.....	8.4	9.9	10.7	12.2
26	7.1	7.1	.....	7.1	12.9	.....	8.4	9.9	12.2	12.7
Oct. 3	7.1	7.1	.....	8.1	15.2	11.0	8.4	9.9	12.2	12.7
10	7.1	8.1	.....	8.1	15.2	11.0	8.7	11.0	12.2	16.7
17	7.1	7.6	.....	8.1	15.2	.....	.....	12.2	.....	16.7
24	7.6	7.1	.....	8.1	16.7	.....	12.2	13.7	15.2	16.7
31	8.6	8.1	.....	8.1	15.3	.....	12.2	13.7	15.2	16.7
Nov. 7	13.2	12.2	.....	13.2	18.3	.....	12.2	16.7	17.5	17.5
14	14.2	13.2	.....	14.2	18.3	.....	12.2	19.0	17.5	19.0
21	14.2	13.2	.....	14.2	18.3	.....	12.2	19.8	17.5	19.0
28	15.2	13.2	.....	14.2	18.3	.....	12.2	19.8	19.8	20.5
Dec. 5	15.2	14.2	.....	15.2	25.9	27.4	.....	24.3	27.4	27.4
12	16.2	16.2	.....	16.2	.....	.....	.....	25.9	27.4	27.4
19	17.2	16.2	.....	17.2	.....	30.4	.....	.....	30.4	.....
24	18.3	17.2	.....	18.3	.....	.....	.....	30.4	.....	.....
1915.										
Jan. 2	18.3	18.3	.....	18.3	.....	.....	.....	30.4	.....	.....
9	19.3	18.3	.....	18.3	.....	.....	.....	30.4	36.5	.....
16	.....	20.3	.....	19.3	.....	.....	.....	28.9	.....	.....
23	24.3	22.3	.....	19.3	.....	36.0	.....	33.5	.....	.....
30	22.3	21.3	.....	20.3	.....	.....	.....	33.5	.....	.....
Feb. 6	22.3	21.3	.....	20.3	.....	.....	.....	30.4	.....	.....
13	22.3	22.3	.....	20.3	.....	.....	.....	30.4	.....	.....
20	24.3	24.3	.....	18.3	.....	.....	.....	30.4	.....	.....
27	24.3	24.3	.....	24.3	.....	.....	.....	33.5	.....	.....
Mar. 6	24.3	24.3	.....	24.3	.....	.....	.....	33.5	.....	.....
13	.....	24.3	.....	24.3	.....	.....	.....	.....	.....	.....
20	.....	24.3	.....	24.3	.....	.....	.....	.....	.....	.....
27	.....	24.3	.....	24.3	42.6	.....	.....	.....	.....	.....
Apr. 3	24.3	24.3	.....	24.3	42.6	.....	.....	36.5	.....	.....
10	24.3	24.3	.....	24.3	42.6	39.5	.....	36.5	.....	36.5
17	22.3	24.3	24.3	24.3	36.5	39.5	.....	30.4	.....	36.5
24	21.3	22.3	21.3	21.3	36.5	.....	.....	30.4	.....	.....
May 1	22.3	22.3	21.3	21.3	33.5	27.4	.....	30.4	.....	.....
8	22.3	22.3	21.3	22.3	33.5	.....	.....	30.4	.....	33.5
15	24.3	24.3	.....	24.3	33.5	.....	.....	30.4	.....	33.5
22	22.3	22.3	.....	22.3	27.4	.....	.....	30.4	33.5	33.5
29	24.3	24.3	.....	24.3	27.4	.....	.....	30.4	31.9	31.9

[1] Owing to conditions abroad, no rates are quoted on freight of any kind to any European ports.

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Ocean freight rates from New York to European ports—Continued.

GRAIN, PER BUSHEL—Continued.

Date.	British ports.				Danish port, Copenhagen.	Dutch port, Rotterdam.	French ports.		Italian ports.	
	London.	Liverpool.	Glasgow.	Hull.			Havre.	Marseille.	Genoa.	Naples.
1915.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
June 5	24.3	24.3	.....	24.3	28.1	.....	.....	30.4	31.9	31.9
12	24.3	24.3	.....	22.3	28.1	.....	.....	30.4	31.9	31.9
19	22.3	24.3	22.3	21.3	28.1	.....	.....	30.4	.....	.....
26	21.3	21.3	21.3	21.3	27.4	.....	.....	30.4	.....	.....
July 2	21.3	21.3	21.3	16.2	28.9	.....	.....	30.4	.....	.....
10	21.3	18.3	21.3	16.2	28.9	.....	.....	30.4	.....	.....
17	21.3	20.3	22.3	18.2	31.9	25.9	.....	30.4	.....	.....
24	21.3	21.3	22.3	21.3	31.9	27.4	.....	30.4	36.5	36.5
31	21.3	21.3	22.3	22.3	31.9	27.4	.....	30.4	36.5	36.5
Aug. 7	20.3	20.3	22.3	24.3	36.5	33.5	.....	33.5	36.5	36.5
14	20.3	20.3	24.3	24.3	36.5	36.5	.....	33.5	36.5	36.5
21	20.3	20.3	24.3	24.3	36.5	36.5	.....	35.0	36.5	36.5
28	22.3	21.3	24.3	30.4	36.5	36.5	.....	35.0	36.5	36.5
Sept. 4	24.3	24.3	24.3	30.4	36.5	36.5	.....	35.0	36.5	36.5
11	28.4	26.4	30.4	30.4	36.5	36.5	.....	35.0	36.5	36.5
18	28.4	28.4	30.4	30.4	36.5	36.5	.....	35.0	36.5	36.5
25	30.4	30.4	30.4	32.4	.....	35.0	.....	36.5	36.5	36.5
Oct. 2	36.5	36.5	36.5	36.5	.....	35.0	.....	36.5	36.5	36.5
9	40.6	40.6	40.6	48.7	45.0	35.0	.....	38.0	45.6	45.6
16	40.6	40.6	38.5	48.7	.....	35.0	.....	38.0	45.6	45.6
23	40.6	40.6	36.5	48.7	48.7	38.0	.....	39.5	45.6	45.6
30	40.6	40.6	40.6	48.7	.....	35.0	.....	39.5	45.6	45.6
Nov. 5	40.6	40.6	40.6	48.7	.....	37.5	.....	.....	45.6	45.6
13	40.6	40.6	40.6	48.7	54.8	37.5	.....	.....	45.6	45.6
20	40.6	40.6	40.6	48.7	54.8	37.5	.....	.....	51.7	51.7
27	38.5	38.6	40.6	48.7	60.8	.....	.....	.....	54.8	54.8
Dec. 4	38.5	38.6	38.5	48.7	60.8	37.0	.....	.....	57.8	57.8
11	40.6	40.6	38.5	48.7	60.8	.....	.....	.....	60.8	60.8
18	40.6	40.6	40.6	48.7	.....	.....	.....	.....	.....	79.1
24	40.6	40.6	40.6	48.7	.....	.....	.....	.....	.....	79.1
31	40.6	40.6	40.6	48.7	.....	.....	.....	.....	.....	.....
1916.										
Jan. 8	40.6	40.6	40.6	48.7	.....	.....	.....	.....	.....	.....
15	42.6	42.6	40.6	48.7	.....	.....	.....	.....	.....	.....
22	44.6	44.6	42.6	48.7	.....	.....	.....	78.0	.....	.....
29	44.6	44.6	44.6	48.7	.....	.....	.....	78.0	.....	.....
Feb. 5	44.6	44.6	44.6	48.7	.....	.....	.....	.....	.....	.....
11	48.7	48.7	44.6	48.7	.....	.....	.....	.....	.....	.....
19	50.7	50.7	48.7	50.7	.....	.....	.....	.....	.....	.....
26	50.7	50.7	46.6	60.8	.....	.....	.....	.....	.....	.....
Mar. 4	50.7	50.7	46.6	60.8	.....	.....	.....	.....	.....	.....
11	50.7	50.7	46.6	60.8	.....	.....	.....	.....	.....	.....

SACK FLOUR, PER 100 POUNDS.

1914.										
Jan. 3	15.0	14.0	17.0	18.0	18.0	13.0	22.5	20.0	19.0	19.0
10	15.0	14.0	17.0	18.0	17.0	13.0	22.5	20.0	19.0	19.0
17	13.0	12.0	15.0	17.0	17.0	13.0	22.5	20.0	19.0	19.0
24	13.0	12.0	15.0	17.0	17.0	13.0	22.5	20.0	19.0	19.0
31	13.0	12.0	15.0	17.0	17.0	13.0	22.5	20.0	19.0	19.0
Feb. 7	13.0	12.0	15.0	17.0	17.0	12.0	22.5	20.0	19.0	19.0
14	13.0	12.0	15.0	17.0	17.0	12.0	22.5	20.0	19.0	19.0
21	13.0	12.0	15.0	17.0	17.0	12.0	22.5	20.0	19.0	19.0
28	13.0	12.0	15.0	17.0	17.0	12.0	22.5	20.0	19.0	19.0
Mar. 7	13.0	12.0	15.0	17.0	17.0	12.0	22.5	20.0	19.0	19.0
14	12.0	11.0	15.0	17.0	17.0	12.0	22.5	20.0	19.0	19.0
21	12.0	11.0	15.0	17.0	17.0	12.0	22.5	18.0	19.0	19.0
28	12.0	11.0	15.0	17.0	17.0	12.0	22.5	18.0	19.0	19.0
Apr. 11	12.0	11.0	14.0	17.0	17.0	11.0	18.0	18.0	19.0	19.0
18	12.0	11.0	14.0	17.0	17.0	11.0	18.0	18.0	19.0	19.0
25	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
May 2	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
9	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
16	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
23	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
29	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
June 6	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
13	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
20	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0
27	11.0	10.0	13.0	15.0	17.0	10.0	18.0	18.0	19.0	19.0

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Ocean freight rates from New York to European ports—Continued.

SACK FLOUR, PER 100 POUNDS—Continued.

Date.	British ports.				Danish port, Copenhagen.	Dutch port, Rotterdam.	French ports.		Italian ports.	
	London.	Liverpool.	Glasgow.	Hull.			Havre.	Marseille.	Genoa.	Naples.
1914.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
July 3	13.0	12.0	14.0	17.0	19.0	10.0	18.0	18.0	19.0	19.0
11	13.0	12.0	14.0	17.0	20.0	10.0	18.0	18.0	19.0	19.0
18	13.0	12.0	14.0	17.0	20.0	11.0	18.0	18.0	19.0	19.0
Aug. 1	13.0	12.0	14.0	17.0	20.0	11.0	18.0	18.0	19.0	19.0
8[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
15[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
22[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
29[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sept. 5	21.0	20.0	22.0	25.0	32.0	20.0	30.0	30.0	43.5	43.5
12	21.0	20.0	23.0	25.0	32.0	21.0	30.0	30.0	43.5	43.5
19	21.0	20.0	23.0	25.0	32.0	21.0	25.0	34.0	36.9	36.9
26	21.0	20.0	23.0	25.0	32.0	21.0	25.0	34.0	36.9	36.9
Oct. 3	22.0	21.0	24.0	26.0	32.0	25.0	25.0	35.0	34.0	34.0
10	22.0	21.0	24.0	26.0	32.0	25.0	25.0	35.0	34.0	34.0
17	22.0	21.0	24.0	26.0	35.0	25.0	26.3	35.0	34.0	34.0
24	22.0	21.0	24.0	26.0	35.0	25.0	26.3	35.0	34.0	34.0
31	22.0	21.0	25.0	26.0	35.0	25.0	29.0	35.0	34.0	34.0
Nov. 7	25.0	24.0	26.0	28.0	35.0	27.0	36.0	37.5	35.0	35.0
14	25.0	24.0	27.0	28.0	40.0	30.0	40.0	42.5	40.0	40.0
21	27.0	26.0	29.0	30.0	45.0	32.0	40.0	45.0	45.0	45.0
28	27.0	26.0	29.0	30.0	55.0	32.0	40.0	45.0	50.0	50.0
Dec. 5	27.0	26.0	29.0	30.0	60.0	40.0	42.0	50.0	55.0	55.0
12	30.0	26.0	29.0	30.0	60.0	55.0	47.0	55.0	60.0	60.0
19	35.0	26.0	29.0	30.0	65.0	55.0	47.0	55.0	65.0	65.0
24	35.0	35.0	30.0	35.0	65.0	55.0	47.0	55.0	65.0	65.0
1915.										
Jan. 2	40.0	40.0	35.0	35.0	60.0	55.0	47.0	50.0	65.0	65.0
9	40.0	40.0	40.0	40.0	65.0	60.0	52.5	55.0	70.0	70.0
16	40.0	40.0	40.0	40.0	70.0	60.0	100.0	55.0	70.0	70.0
23	40.0	40.0	40.0	40.0	70.0	60.0	100.0	55.0	70.0	70.0
30	40.0	40.0	40.0	40.0	70.0	60.0	75.0	55.0	75.0	75.0
Feb. 6	40.0	40.0	40.0	40.0	70.0	60.0	75.0	55.0	75.0	75.0
13	40.0	40.0	40.0	40.0	75.0	70.0	75.0	55.0	75.0	75.0
20	40.0	40.0	40.0	40.0	75.0	70.0	75.0	55.0	75.0	75.0
27	40.0	40.0	40.0	40.0	75.0	70.0	75.0	55.0	75.0	75.0
Mar. 6	.....	40.0	40.0	40.0	75.0	70.0	63.0	60.0	75.0	75.0
13	.....	40.0	40.0	40.0	85.0	70.0	63.0	65.0	75.0	75.0
20	40.0	40.0	40.0	40.0	75.0	80.0	75.0	75.0	75.0	75.0
27	40.0	40.0	40.0	40.0	75.0	80.0	63.0	60.0	75.0	75.0
Apr. 3	45.0	45.0	45.0	45.0	75.0	80.0	63.0	60.0	75.0	75.0
10	45.0	45.0	45.0	45.0	75.0	80.0	63.0	60.0	75.0	75.0
17	45.0	45.0	40.0	45.0	75.0	80.0	58.0	55.0	75.0	75.0
24	45.0	40.0	40.0	45.0	75.0	80.0	58.0	50.0	75.0	75.0
May 1	45.0	40.0	45.0	45.0	75.0	80.0	58.0	50.0	75.0	75.0
8	45.0	40.0	45.0	45.0	75.0	80.0	58.0	50.0	75.0	75.0
15	50.0	50.0	45.0	45.0	60.0	75.0	58.0	50.0	75.0	75.0
22	45.0	40.0	.....	45.0	60.0	65.0	58.0	50.0	75.0	75.0
29	50.0	45.0	50.0	45.0	60.0	65.0	58.0	45.0	75.0	75.0
June 5	50.0	45.0	50.0	45.0	60.0	65.0	50.0	42.0	75.0	75.0
12	50.0	45.0	50.0	45.0	55.0	65.0	50.0	42.0	75.0	75.0
19	45.0	45.0	50.0	45.0	55.0	50.0	50.0	42.0	75.0	75.0
26	45.0	45.0	50.0	45.0	55.0	50.0	50.0	45.0	75.0	75.0
July 2	45.0	40.0	50.0	45.0	50.0	50.0	50.0	45.0	75.0	75.0
10	45.0	40.0	50.0	45.0	50.0	50.0	50.0	45.0	75.0	75.0
17	45.0	40.0	50.0	45.0	50.0	50.0	50.0	45.0	75.0	75.0
24	45.0	45.0	50.0	45.0	50.0	50.0	55.0	45.0	68.0	68.0
31	45.0	45.0	50.0	45.0	50.0	50.0	55.0	45.0	68.0	68.0
Aug. 7	45.0	45.0	50.0	45.0	50.0	50.0	55.0	45.0	68.0	68.0
14	45.0	45.0	50.0	45.0	60.0	50.0	65.0	50.0	65.0	65.0
21	50.0	45.0	55.0	50.0	70.0	60.0	65.0	55.0	65.0	65.0
28	50.0	45.0	55.0	50.0	70.0	60.0	65.0	60.0	65.0	65.0
Sept. 4	50.0	45.0	55.0	55.0	70.0	60.0	65.0	65.0	65.0	65.0
11	50.0	45.0	55.0	55.0	70.0	60.0	65.0	65.0	65.0	65.0
18	50.0	45.0	55.0	55.0	70.0	60.0	65.0	65.0	65.0	65.0
25	60.0	55.0	60.0	60.0	70.0	60.0	70.0	65.0	70.0	70.0
Oct. 2	65.0	65.0	65.0	65.0	75.0	65.0	80.0	70.0	75.0	75.0
9	70.0	65.0	70.0	70.0	75.0	70.0	90.0	70.0	80.0	80.0
16	70.0	65.0	70.0	70.0	75.0	70.0	90.0	80.0	80.0	80.0
23	75.0	70.0	70.0	70.0	75.0	70.0	90.0	80.0	80.0	80.0
30	75.0	70.0	70.0	70.0	75.0	70.0	100.0	80.0	80.0	80.0
Nov. 5	75.0	70.0	75.0	75.0	80.0	70.0	100.0	90.0	80.0	80.0
13	75.0	75.0	75.0	75.0	80.0	70.0	100.0	90.0	80.0	80.0
20	80.0	75.0	75.0	75.0	85.0	90.0	100.0	100.0	90.0	90.0
27	80.0	75.0	75.0	75.0	85.0	90.0	100.0	100.0	90.0	90.0

[1] Owing to conditions abroad, no rates are quoted on freight of any kind to any European ports.

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Ocean freight rates from New York to European ports—Continued.

SACK FLOUR, PER 100 POUNDS—Continued.

Date.	British ports.				Danish port, Copenhagen.	Dutch port, Rotterdam.	French ports.		Italian ports.	
	London.	Liverpool.	Glasgow.	Hull.			Havre.	Marseille.	Genoa.	Naples.
1915.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Dec. 4	80.0	75.0	75.0	75.0	100.0	100.0	100.0	100.0	100.0	100.0
11	80.0	75.0	75.0	75.0	100.0	100.0	110.0	120.0	110.0	110.0
18	80.0	80.0	75.0	75.0	100.0	100.0	110.0	120.0	110.0	110.0
24	90.0	80.0	75.0	75.0	110.0	100.0	110.0	120.0	110.0	110.0
31	90.0	85.0	80.0	80.0	110.0	100.0	120.0	120.0	120.0	120.0
1916.										
Jan. 8	90.0	85.0	81.0	80.0	110.0	100.0	120.0	120.0	120.0	120.0
15	90.0	85.0	81.0	80.0	110.0	100.0	125.0	125.0	125.0	125.0
22	90.0	90.0	85.0	90.0	115.0	110.0	135.0	135.0	135.0	135.0
29	90.0	90.0	90.0	90.0	115.0	110.0	135.0	135.0	150.0	150.0
Feb. 5	90.0	90.0	90.0	100.0	115.0	110.0	135.0	135.0	150.0	150.0
11	90.0	90.0	90.0	100.0	115.0	110.0	135.0	135.0	150.0	150.0
19	100.0	90.0	90.0	100.0	125.0	140.0	150.0	150.0	200.0	200.0
26	100.0	90.0	95.0	100.0	125.0	140.0	150.0	150.0	175.0	175.0
Mar. 4	100.0	100.0	95.0	100.0	125.0	140.0	150.0	150.0	175.0	175.0
11	100.0	100.0	100.0	100.0	140.0	140.0	150.0	150.0	175.0	175.0

PROVISIONS, PER 100 POUNDS.

1914.										
Jan. 3	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
10	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
17	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
24	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
31	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
Feb. 7	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
14	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
21	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
28	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
Mar. 7	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
14	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
21	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
28	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
Apr. 4	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
11	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
18	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
25	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
May 2	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
9	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
16	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
23	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
29	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
June 6	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
13	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
20	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
27	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
July 3	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
11	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
18	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
25	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
Aug. 1	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
[1] 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
[1] 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
[1] 22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
[1] 29	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sept. 5	24.4	21.7	24.4	21.7	33.9	28.0	30.0	32.6	32.6	32.6
12	32.6	32.6	35.3	32.6	50.2	38.0	40.0	.....	43.5	43.5
19	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
26	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
Oct. 3	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
10	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
17	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
24	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
31	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
Nov. 7	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
14	32.6	32.6	35.3	32.6	50.2	38.0	40.0	38.0	43.5	43.5
21	32.6	32.6	35.3	32.6	50.2	38.0	40.0	43.5	54.3	54.3
28	32.6	32.6	35.3	32.6	50.2	38.0	40.0	43.5	54.3	54.3
Dec. 5	32.6	32.6	35.3	32.6	50.2	38.0	40.0	43.5	54.3	54.3
12	32.6	32.6	38.0	32.6	50.2	38.0	50.0	65.2	65.2	65.2
19	32.6	32.6	38.0	32.6	50.2	38.0	50.0	65.2	65.2	65.2
24	38.0	38.0	40.7	38.0	108.6	50.0	50.0	70.6	86.9	86.9

[1] Owing to conditions abroad, no rates are quoted on freight of any kind to any European ports.

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Ocean freight rates from New York to European ports—**Continued.**

PROVISIONS, PER 100 POUNDS—Continued.

Date.	British ports.				Danish port, Copenhagen.	Dutch port, Rotterdam.	French ports.		Italian ports.	
	London.	Liverpool.	Glasgow.	Hull.			Havre.	Marseille.	Genoa.	Naples.
1915.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Jan. 2	38.0	38.0	40.7	38.0	108.6	60.0	60.0	70.6	108.6	108.6
9	38.0	38.0	40.7	38.0	108.6	60.0	60.0	70.6	108.6	108.6
16	38.0	38.0	40.7	38.0	108.6	60.0	60.0	70.6	108.6	108.6
23	38.0	38.0	43.5	43.5	162.9	75.0	85.0	70.6	108.6	108.6
30	38.0	38.0	43.5	43.5	162.9	75.0	85.0	81.5	108.6	108.6
Feb. 6	48.9	48.9	48.9	43.5	162.9	125.0	85.0	81.5	108.6	108.6
13	48.9	48.9	48.9	43.5	162.9	125.0	125.0	81.5	108.6	108.6
20	48.9	54.3	48.9	43.5	162.9	125.0	125.0	81.5	108.6	108.6
27	65.2	65.2	48.9	43.5	162.9	125.0	125.0	81.5	108.6	108.6
Mar. 6	65.2	65.2	48.9	43.5	162.9	125.0	125.0	81.5	108.6	108.6
13	65.2	65.2	65.2	54.3	162.9	150.0	125.0	81.5	108.6	108.6
20	65.2	65.2	65.2	65.2	195.5	175.0	125.0	86.9	108.6	108.6
27	65.2	65.2	65.2	65.2	195.5	175.0	125.0	108.6	108.6	108.6
Apr. 3	65.2	65.2	65.2	65.2	195.5	175.0	125.0	108.6	108.6	108.6
10	65.2	65.2	65.2	65.2	195.5	175.0	125.0	108.6	108.6	108.6
17	65.2	65.2	65.2	65.2	195.5	175.0	125.0	108.6	108.6	108.6
24	65.2	65.2	65.2	65.2	195.5	175.0	125.0	108.6	108.6	108.6
May 1	65.2	65.2	65.2	65.2	195.5	175.0	125.0	108.6	108.6	108.6
8	65.2	65.2	65.2	65.2	195.5	175.0	125.0	108.6	108.6	108.6
15	65.2	65.2	65.2	65.2	195.5	175.0	125.0	108.6	108.6	108.6
22	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
29	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
June 5	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
12	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
19	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
26	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
July 2	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
10	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
17	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
24	65.2	65.2	65.2	65.2	135.8	100.0	125.0	108.6	108.6	108.6
31	65.2	65.2	65.2	65.2	135.8	80.0	125.0	108.6	108.6	108.6
Aug. 7	65.2	65.2	65.2	65.2	124.9	80.0	125.0	108.6	108.6	108.6
14	65.2	65.2	65.2	65.2	124.9	90.0	125.0	108.6	108.6	108.6
21	65.2	65.2	65.2	65.2	124.9	90.0	125.0	108.6	108.6	108.6
28	65.2	65.2	65.2	65.2	124.9	90.0	125.0	108.6	108.6	108.6
Sept. 4	65.2	65.2	65.2	65.2	150.0	110.0	125.0	89.3	108.6	108.6
11	68.0	68.0	68.0	68.0	158.0	125.0	125.0	89.3	108.6	108.6
18	68.0	68.0	68.0	68.0	158.0	125.0	125.0	89.3	108.6	108.6
25	80.0	80.0	80.0	80.0	150.0	125.0	125.0	89.3	112.5	112.5
Oct. 2	80.0	80.0	80.0	80.0	150.0	125.0	125.0	89.3	112.5	112.5
9	90.0	100.0	80.0	80.0	150.0	125.0	125.0	89.3	112.5	112.5
16	90.0	90.0	80.0	80.0	175.0	125.0	125.0	111.6	112.5	112.5
23	90.0	90.0	90.0	80.0	175.0	125.0	125.0	111.6	112.5	112.5
30	90.0	90.0	90.0	80.0	175.0	125.0	125.0	111.6	112.5	112.5
Nov. 5	90.0	90.0	90.0	80.0	175.0	125.0	125.0	111.6	112.5	112.5
13	90.0	90.0	90.0	90.0	190.0	125.0	125.0	133.9	112.5	112.5
20	90.0	90.0	90.0	90.0	190.0	150.0	125.0	133.9	112.5	112.5
27	90.0	90.0	90.0	90.0	190.0	150.0	125.0	133.9	112.5	112.5
Dec. 4	90.0	90.0	90.0	90.0	190.0	150.0	125.0	133.9	112.5	112.5
11	90.0	90.0	90.0	90.0	190.0	150.0	125.0	133.9	112.5	112.5
18	90.0	90.0	90.0	90.0	190.0	150.0	125.0	133.9	112.5	112.5
24	90.0	90.0	90.0	90.0	190.0	150.0	125.0	133.9	112.5	112.5
31	100.0	100.0	100.0	90.0	200.0	175.0	125.0	156.3	125.0	125.0
1916.										
Jan. 8	125.0	125.0	125.0	125.0	225.0	175.0	200.0	200.0	150.0	150.0
15	125.0	125.0	125.0	125.0	225.0	175.0	200.0	200.0	150.0	150.0
22	125.0	125.0	125.0	125.0	225.0	175.0	200.0	200.0	150.0	150.0
29	125.0	125.0	125.0	125.0	225.0	175.0	200.0	200.0	150.0	150.0
Feb. 5	125.0	125.0	125.0	125.0	225.0	175.0	200.0	200.0	150.0	150.0
11	125.0	125.0	125.0	125.0	225.0	175.0	200.0	250.0	175.0	175.0
19	125.0	125.0	125.0	125.0	225.0	175.0	200.0	250.0	175.0	175.0
26	125.0	125.0	125.0	125.0	225.0	175.0	200.0	250.0	175.0	175.0
Mar. 4	125.0	125.0	125.0	125.0	225.0	175.0	200.0	250.0	175.0	175.0
11	125.0	125.0	125.0	125.0	225.0	175.0	200.0	250.0	175.0	175.0

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Ocean freight rates from New York to European ports—Continued.

COTTON, COMPRESSED, PER 100 POUNDS.

Date.	British port, Liverpool.	Danish port, Copenhagen.	Dutch port, Rotterdam.	French port, Havre.	Italian ports.	
					Genoa.	Naples.
1914.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Jan. 3	28.0	40.0	35.0	30.0	40.0	40.0
Jan. 10	28.0	40.0	35.0	30.0	40.0	40.0
Jan. 17	28.0	40.0	35.0	30.0	40.0	40.0
Jan. 24	25.0	40.0	25.0	25.0	30.0	40.0
Jan. 31	25.0	40.0	25.0	25.0	30.0	40.0
Feb. 7	25.0	40.0	25.0	25.0	30.0	40.0
Feb. 14	25.0	40.0	25.0	25.0	30.0	40.0
Feb. 21	25.0	40.0	25.0	25.0	30.0	40.0
Feb. 28	25.0	40.0	25.0	25.0	30.0	40.0
Mar. 7	25.0	40.0	25.0	25.0	30.0	40.0
Mar. 14	20.0	40.0	25.0	25.0	25.0	30.0
Mar. 21	20.0	40.0	25.0	25.0	25.0	30.0
Mar. 28	20.0	40.0	25.0	25.0	25.0	30.0
Apr. 4	20.0	40.0	25.0	25.0	25.0	30.0
Apr. 11	20.0	40.0	25.0	25.0	25.0	30.0
Apr. 18	20.0	40.0	25.0	25.0	25.0	30.0
Apr. 25	20.0	40.0	25.0	25.0	25.0	30.0
May 2	20.0	40.0	25.0	25.0	25.0	30.0
May 9	20.0	40.0	25.0	25.0	25.0	30.0
May 16	20.0	40.0	25.0	21.0	22.5	30.0
May 23	20.0	40.0	25.0	21.0	22.5	30.0
May 29	20.0	40.0	25.0	21.0	22.5	30.0
June 6	20.0	40.0	25.0	21.0	22.5	30.0
June 13	20.0	40.0	25.0	21.0	22.5	30.0
June 20	20.0	40.0	25.0	21.0	22.5	30.0
June 27	20.0	40.0	25.0	21.0	22.5	30.0
July 3	20.0	40.0	25.0	21.0	22.5	30.0
July 11	20.0	40.0	25.0	21.0	22.5	30.0
July 18	20.0	40.0	25.0	21.0	22.5	30.0
Aug. 1	20.0	40.0	25.0	21.0	22.5	30.0
Aug. 8 [1]	.....	.....	.....	.....	.....	.....
Aug. 15 [1]	.....	.....	.....	.....	.....	.....
Aug. 22 [1]	.....	.....	.....	.....	.....	.....
Aug. 29 [1]	.....	.....	.....	.....	.....	.....
Sept. 5	20.0	40.0	25.0	21.0	22.5	30.0
Sept. 12	40.0	.....	.....	45.0	75.0	65.0
Sept. 19	35.0	.....	.....	45.0	75.0	65.0
Sept. 26	35.0	.....	.....	45.0	75.0	65.0
Oct. 3	35.0	.....	.....	45.0	75.0	65.0
Oct. 10	35.0	.....	.....	45.0	75.0	65.0
Oct. 17	35.0	.....	.....	45.0	75.0	65.0
Oct. 24	35.0	.....	.....	45.0	75.0	65.0
Oct. 31	35.0	.....	.....	45.0	75.0	65.0
Nov. 7	50.0	.....	.....	60.0	80.0	80.0
Nov. 14	50.0	.....	.....	60.0	80.0	80.0
Nov. 21	60.0	.....	100.0	100.0	100.0	100.0
Nov. 28	60.0	.....	100.0	100.0	100.0	100.0
Dec. 5	75.0	.....	120.0	100.0	100.0	100.0
Dec. 12	75.0	.....	120.0	100.0	100.0	100.0
Dec. 19	75.0	.....	120.0	100.0	100.0	100.0
Dec. 24	75.0	.....	120.0	100.0	100.0	100.0
1915.						
Jan. 2	75.0	.....	120.0	100.0	100.0	100.0
Jan. 9	75.0	.....	200.0	100.0	100.0	100.0
Jan. 16	100.0	.....	200.0	200.0	125.0	100.0
Jan. 23	100.0	250.0	250.0	200.0	125.0	100.0
Jan. 30	100.0	250.0	250.0	200.0	125.0	100.0
Feb. 6	100.0	250.0	250.0	200.0	125.0	100.0
Feb. 13	100.0	250.0	250.0	200.0	125.0	100.0
Feb. 20	125.0	250.0	225.0	200.0	125.0	100.0
Feb. 27	125.0	250.0	225.0	200.0	125.0	100.0
Mar. 6	125.0	250.0	225.0	200.0	125.0	100.0
Mar. 13	125.0	250.0	225.0	200.0	125.0	100.0
Mar. 20	125.0	250.0	225.0	200.0	125.0	100.0
Mar. 27	200.0	250.0	225.0	300.0	150.0	100.0
Apr. 3	200.0	250.0	225.0	300.0	150.0	100.0
Apr. 10	200.0	250.0	225.0	300.0	150.0	100.0
Apr. 17	200.0	250.0	225.0	300.0	150.0	100.0
Apr. 24	200.0	250.0	225.0	300.0	150.0	100.0
May 1	200.0	250.0	225.0	300.0	150.0	100.0
May 8	200.0	250.0	225.0	300.0	150.0	100.0

[1] Owing to conditions abroad, no rates are quoted on freight of any kind to any European ports.

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Ocean freight rates from New York to European ports—Continued.

COTTON, COMPRESSED, PER 100 POUNDS—Continued.

Date.	British port, Liverpool.	Danish port, Copenhagen.	Dutch port, Rotterdam.	French port, Havre.	Italian ports.	
					Genoa.	Naples.
1915.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
May 15	200.0	250.0	225.0	300.0	150.0	100.0
May 22	125.0	200.0	200.0	150.0	125.0	225.0
May 29	125.0	200.0	200.0	150.0	125.0	225.0
June 5	125.0	200.0	200.0	150.0	125.0	225.0
June 12	125.0	200.0	200.0	150.0	125.0	225.0
June 19	100.0	200.0	200.0	150.0	125.0	125.0
June 26	100.0	200.0	200.0	150.0	125.0	125.0
July 2	100.0	200.0	130.0	125.0	100.0	160.0
July 10	100.0	200.0	130.0	125.0	100.0	160.0
July 17	100.0	200.0	130.0	125.0	100.0	160.0
July 24	100.0	200.0	130.0	125.0	100.0	160.0
July 31	100.0	200.0	130.0	125.0	100.0	160.0
Aug. 7	100.0	200.0	130.0	150.0	125.0	160.0
Aug. 14	100.0	200.0	130.0	150.0	125.0	160.0
Aug. 21	100.0	200.0	150.0	150.0	135.0	160.0
Aug. 28	100.0	200.0	150.0	150.0	135.0	160.0
Sept. 4	125.0	200.0	160.0	150.0	135.0	160.0
Sept. 11	125.0	200.0	160.0	150.0	135.0	160.0
Sept. 18	125.0	200.0	160.0	150.0	135.0	160.0
Sept. 25	125.0	200.0	160.0	150.0	135.0	160.0
Oct. 2	125.0	200.0	160.0	150.0	135.0	160.0
Oct. 9	125.0	200.0	160.0	150.0	135.0	160.0
Oct. 16	125.0	200.0	160.0	150.0	135.0	160.0
Oct. 23	125.0	200.0	160.0	150.0	135.0	160.0
Oct. 30	125.0	200.0	160.0	150.0	135.0	160.0
Nov. 5	125.0	200.0	160.0	150.0	135.0	160.0
Nov. 12	125.0	200.0	160.0	150.0	135.0	160.0
Nov. 20	125.0	225.0	225.0	150.0	135.0	160.0
Nov. 27	125.0	225.0	225.0	150.0	135.0	160.0
Dec. 4	150.0	225.0	225.0	150.0	135.0	160.0
Dec. 11	150.0	225.0	225.0	150.0	135.0	160.0
Dec. 18	150.0	225.0	225.0	150.0	135.0	160.0
Dec. 24	200.0	225.0	225.0	150.0	135.0	160.0
Dec. 31	225.0	275.0	250.0	150.0	135.0	160.0
1916.						
Jan. 8	225.0	275.0	250.0	150.0	135.0	160.0
Jan. 15	250.0	275.0	250.0	300.0	135.0	160.0
Jan. 22	250.0	275.0	250.0	300.0	135.0	160.0
Jan. 29	250.0	275.0	250.0	300.0	135.0	160.0
Feb. 5	250.0	275.0	250.0	300.0	135.0	160.0
Feb. 11	250.0	275.0	250.0	300.0	135.0	160.0
Feb. 19	250.0	275.0	250.0	300.0	135.0	160.0
Feb. 26	250.0	275.0	250.0	300.0	135.0	160.0
Mar. 4	275.0	300.0	300.0	300.0	135.0	160.0
Mar. 11	275.0	300.0	300.0	300.0	135.0	160.0

MEASUREMENT GOODS, PER TON OR 40 CUBIC FEET.

Date.	British ports.				Danish port, Copenhagen.	Dutch port, Rotterdam.	French ports.		Italian ports.	
	London.	Liverpool.	Glasgow.	Hull.			Havre.	Marseille.	Genoa.	Naples.
1914.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Jan. 3	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
10	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
17	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
24	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
31	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
Feb. 7	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
14	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
21	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
28	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
Mar. 7	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
14	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
21	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
28	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
Apr. 11	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
18	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
25	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08

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Ocean freight rates from New York to European ports—Continued.

MEASUREMENT GOODS, PER TON OR 40 CUBIC FEET—Continued.

Date.	British ports.				Danish port, Copenhagen.	Dutch port, Rotterdam.	French ports.		Italian ports.	
	London.	Liverpool.	Glasgow.	Hull.			Havre.	Marseille.	Genoa.	Naples.
1914.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
May 2	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
9	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
16	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
23	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
29	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
June 6	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
13	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
20	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
27	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
July 3	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
11	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
18	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
Aug. 1	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
[1] 8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
[1] 15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
[1] 22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
[1] 29	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sept. 5	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
12	4.25	4.25	4.25	3.65	5.17	4.00	5.00	4.86	6.08	6.08
19	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
26	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
Oct. 3	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
10	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
17	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
24	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
31	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
Nov. 7	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
14	4.86	4.86	6.08	4.86	11.25	6.00	6.00	8.51	9.73	9.73
21	4.86	4.86	6.08	4.86	11.25	6.00	10.00	8.51	9.73	9.73
28	4.86	4.86	6.08	4.86	11.25	6.00	10.00	8.51	9.73	9.73
Dec. 5	4.86	4.86	6.08	4.86	11.25	6.00	10.00	8.51	9.73	9.73
12	7.30	7.30	8.51	6.08	14.60	6.00	10.00	12.17	12.17	12.17
19	7.30	7.30	8.51	6.08	14.60	6.00	10.00	12.17	12.17	12.17
24	7.30	7.30	8.51	6.08	14.60	8.00	12.00	12.17	17.03	17.03
1915.										
Jan. 2	7.30	7.30	8.57	6.[illegible]	14.60	8.00	12.00	12.17	24.33	24.33
9	7.30	7.30	8.51	6.[illegible]	14.60	8.00	12.00	12.17	24.33	24.33
16	7.30	7.30	8.51	6.0[illegible]	17.03	8.00	12.00	12.17	24.33	24.33
23	9.73	9.73	8.51	6.08	17.03	12.00	20.00	15.81	24.33	24.33
30	9.73	9.73	8.51	6.08	17.03	12.00	20.00	18.24	24.33	24.33
Feb. 6	9.73	9.73	8.51	6.08	17.03	12.00	20.00	18.24	24.33	24.33
13	9.73	9.73	8.51	6.08	17.03	12.00	20.00	18.24	24.33	24.33
20	9.73	9.73	8.51	6.08	17.03	12.00	20.00	18.24	24.33	24.33
27	9.73	9.73	8.51	6.08	17.03	12.00	20.00	18.24	24.33	24.33
Mar. 6	9.73	9.73	8.51	6.08	17.03	12.00	20.00	18.24	24.33	24.33
13	9.73	9.73	9.73	6.08	19.47	12.00	20.00	18.24	24.33	24.33
20	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	24.33	24.33
27	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	24.33	24.33
Apr. 3	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	24.33	24.33
10	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	24.33	24.33
17	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	24.33	24.33
24	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	24.33	24.33
May 1	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	24.33	24.33
8	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	19.47	24.33
15	24.33	24.33	9.73	9.73	19.47	12.00	25.00	19.47	19.47	19.47
22	14.60	24.33	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
29	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
June 5	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
12	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
19	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
26	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
July 2	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
10	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
17	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
24	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
31	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
Aug. 7	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
14	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
21	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
28	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
Sept. 4	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
11	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	19.47	19.47
18	14.60	14.60	.....	12.17	19.47	16.00	20.00	18.24	20.00	19.47
25	12.80	12.80	.....	12.80	20.00	18.00	20.00	20.00	20.00	20.00

[1] Owing to conditions abroad, no rates are quoted on freight of any kind to any European port.

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Ocean freight rates from New York to European ports—Continued.

MEASUREMENT GOODS, PER TON OR 40 CUBIC FEET—Continued.

Date.	British ports.				Danish port, Copenhagen.	Dutch port, Rotterdam.	French ports.		Italian ports.	
	London.	Liverpool.	Glasgow.	Hull.			Havre.	Marseille.	Genoa.	Naples.
1915.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Oct. 2	12.80	12.80	.....	12.80	20.00	18.00	20.00	20.00	20.00	20.00
9	15.20	15.20	.....	15.20	20.00	18.00	20.00	20.00	20.00	20.00
16	15.20	15.20	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
23	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
30	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
Nov. 5	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
13	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
20	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
27	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
Dec. 4	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
11	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
18	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
24	15.20	18.80	.....	15.20	20.00	18.00	25.00	25.00	20.00	20.00
31	25.20	25.20	.....	18.80	20.00	18.00	25.00	35.00	20.00	20.00
1916.										
Jan. 8	25.20	25.20	.....	18.80	20.00	18.00	25.00	35.00	20.00	20.00
15	25.20	25.20	.....	18.80	20.00	18.00	25.00	35.00	20.00	20.00
22	25.20	25.20	.....	18.80	20.00	18.00	25.00	35.00	20.00	20.00
29	25.20	25.20	.....	18.80	20.00	18.00	25.00	40.00	20.00	20.00
Feb. 5	25.20	25.20	.....	18.80	20.00	18.00	25.00	40.00	20.00	20.00
11	25.20	25.20	.....	18.80	25.20	20.00	25.00	50.00	30.00	30.00
19	25.20	25.20	.....	18.80	25.20	20.00	25.00	50.00	30.00	30.00
26	25.20	25.20	.....	18.80	25.20	20.00	25.00	50.00	30.00	30.00
Mar. 4	25.20	25.20	.....	18.80	30.00	20.00	35.00	50.00	30.00	30.00
11	25.20	25.20	.....	18.80	30.00	20.00	35.00	50.00	30.00	30.00

Boston: Increase in ocean freight rates from January 1, 1914, to January 1, 1916, to London, Liverpool, Genoa, Naples, Copenhagen; and from Liverpool and Buenos Aires to Boston.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Boston, March 10, 1916.

In regard to the ocean freight rate investigation I beg to inclose herewith some material as follows:

(1) Data furnished by Mr. J. M. McLachland of the International Mercantile Marine Co., 84 State Street, Boston, Mass., for the White Star and Leland Lines, as follows:

Freight rates from Boston to London.
Freight rates from Boston to Genoa.
Freight rates from Boston to Naples.
Freight rates from Boston to Liverpool.
Freight rates from Liverpool to Boston.

(2) Data furnished by Mr. Porter, of Furness, Withy & Co., 4 Liberty Square, Boston, Mass., agents for the Warren Line, Furness Line, etc., as follows:
Freight rates from Boston to Liverpool.

(3) Data furnished by Mr. F. H. Ryan, of A. C. Lombard's Sons, 110 State Street, Boston, Mass., agents for the Scandinavian-American Line and for the Houston Line, as follows:
Freight rates from Boston to Copenhagen.
Freight rates from Buenos Aires to Boston.

(4) Data furnished by Mr. L. H. Peters, foreign freight agent of the New York Central and Boston & Albany Railroads, as per postcard circulars they issue regularly, as to freight rates from Boston to various points.

Letters sent out to a hundred or more private firms produced no results, probably because these firms did not wish to divulge their rates or else had not kept a record of same for the dates wanted.

Very truly, yours,

W. A. GRAHAM CLARK,
Commercial Agent.

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Ocean freight rates from Boston to British ports.

GRAIN, FLOUR, PROVISIONS, AND APPLES.

[Published by Boston & Maine R. R. Co., Foreign Freight Department.

Date.	Grain (per bushel).			Sack flour (per 100 pounds).			Provisions (per 100 pounds).			Apples (per barrel).		
	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.
1914.												
Jan. 9	$0.046	$0.051	$0.051	$0.14	$0.15	$0.17	$0.217	$0.217	$0.244	$0.669	$0.669	$0.73
16	.041	.046	.041	.12	.13	.15	.217	.244	.244	.669	.669	.73
23	.035	.046	.051	.12	.13	.15	.217	.217	.244	.669	.669	.73
30	.035	.041	.051	.12	.13	.15	.217	.217	.244	.669	.069	.73
Feb. 6	.03	.041	.051	.12	.13	.15	.217	.217	.244	.669	.669	.73
13	.03	.041	.051	.12	.13	.15	.217	.217	.244	.669	.669	.73
20	.03	.035	.051	.12	.13	.15	.217	.217	.244	.669	.669	.73
27	.03	.035	.051	.12	.13	.15	.217	.217	.244	.669	.669	.73
Mar. 6	.03	.035	.051	.12	.13	.15	.217	.217	.244	.669	.669	.73
13	.03	.035	.051	.11	.13	.15	.217	.217	.244	.669	.669	.73
20	.03	.035	.051	.11	.12	.15	.217	.217	.244	.669	.669	.73
27	.03	.03	.051	.11	.12	.14	.217	.217	.244	.669	.669	.73
Apr. (1)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10	.03	.03	.041	.11	.12	.14	.217	.217	.244	.669	.669	.73
17	.03	.03	.041	.11	.12	.14	.217	.217	.244	.669	.669	.73
24	.03	.03	.041	.10	.11	.13	.217	.217	.244	.669	.669	.73
May 1	.03	.03	.03	.10	.11	.13	.217	.217	.244	.669	.669	.73
8	.03	.03	.03	.10	.11	.13	.217	.217	.244	.669	.669	.73
15	.03	.03	.03	.10	.11	.13	.217	.217	.244	.669	.669	.73
22	.03	.03	.03	.10	.11	.13	.217	.217	.244	.669	.669	.73
29	.03	.03	.03	.10	.11	.13	.217	.217	.244	.669	.669	.73
June 5	.03	.03	.03	.10	.11	.13	.217	.217	.244	.669	.669	.73
12	.03	.03	.03	.10	.11	.13	.217	.217	.244	.669	.669	.73
19	.03	.03	.03	.10	.11	.13	.217	.217	.244	.669	.669	.73
26	.035	.035	.03	.10	.13	.13	.217	.217	.244	.669	.669	.73
July 3	.041	.041	.03	.10	.13	.14	.217	.217	.244	.669	.669	.73
10	.046	.051	.03	.12	.13	.14	.217	.217	.244	.669	.669	.73
17	.046	.051	.03	.12	.13	.14	.217	.217	.244	.669	.669	.73
24 [1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
31	.051	.051	.03	.15	.16	.15	.217	.217	.244	.669	.669	.73
Aug. 7 [2]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
14 [2]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
21 [2]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
28	.071	.081	.041	.20	.21	.23	.326	.326	.353	.973	.973	1.034
Sept. 4	.061	.061	.041	.20	.21	.23	.326	.326	.353	.973	.973	1.034
11	.061	.061	.041	.20	.21	23	.326	.326	.353	.791	.791	.852
18	.061	.071	.041	.20	.21	.23	.326	.326	.353	.791	.791	.852
25	.071	.071	.041	.20	.22	.23	.326	.326	.353	.791	.791	.852
Oct. 2	.071	.081	.041	.21	.22	.24	.326	.326	.353	.791	.791	.852
9	.071	.081	.041	.21	.22	.24	.326	.326	.335	.791	.791	.852
16	.071	.081	.041	.21	.22	.24	.326	.326	.353	.791	.791	.852
23	.071	.081	.041	.21	.22	.24	.326	.326	.353	.791	.791	.852
30	.081	.101	.081	.21	.22	.24	.326	.326	.353	.791	.791	.852
Nov. 6	.111	.132	.081	.24	.25	.27	.326	.326	.353	.791	.791	.852
13	.122	.132	.122	.24	.25	.27	.326	.326	.353	.791	.791	.852
20	.132	.142	.122	.24	.25	.27	.326	.326	.353	.791	.791	.852
27	.132	.142	.122	.26	.27	.27	.326	.326	.353	.791	.791	.852
Dec. 4	.132	.142	.122	.26	.27	.29	.326	.326	.353	.791	.791	.852
11	.132	.152	.122	.26	.27	.29	.326	.326	.353	.791	.791	.852
18	.152	.172	.142	.26	.35	.31	.326	.326	.407	.791	.791	.852
24	.162	.172	.142	.40	.40	.31	.38	.38	.407	.791	.791	.852
1915.												
Jan. 1	.162	.172	.152	.40	.40	.35	.38	.38	.407	.791	.791	.852
8	.172	.182	.178	.40	.40	.40	.38	.38	.407	.791	.791	.852
15	.203	.....	.183	.40	.....	.40	.38	.....	.407	.791	.....	.852
22	.203	.....	.203	.40	.....	.40	.38	.....	.435	.791	.....	.913
29	.203	.....	.203	.40	.....	.40	.38	.....	.435	.791	.....	.913
Feb. 5	.203	.....	.203	.40	.....	.40	.489	.....	.489	.791	.....	.913
12	.223	.....	.203	.40	.....	.40	.489	.....	.489	.791	.....	.973
19	.243	.....	.203	.40	.....	.40	.543	.....	.516	.791	.....	.973
26	.243	.....	.203	.40	.....	.40	.652	.....	.543	.791	.....	.973
Mar. 5	.243	.....	.223	.40	.....	.40	.652	.....	.652	.791	.....	.973
12	.264	.....	.223	.45	.....	.40	.652	.....	.652	.791	.....	.973
19	.264	.....	.223	.50	.....	.40	.652	.....	.652	.791	.....	.973
26	.264	.....	.223	.40	.....	.40	.652	.....	.652	.791	.....	.973
Apr. 2	.264	.264	.223	.40	.50	.40	.652	.652	.652	.791	.791	.973
16	.243	.243	.223	.40	.50	.40	.652	.652	652	1.034	1.034	.973
23	.243	.223	.223	.40	.45	.45	.652	.652	.652	1.095	1.034	.973
30	.223	.223	.223	.40	.45	.40	.652	.652	.652	1.217	1.034	.973

[1] No data available. [2] No quotations on account of war.

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Ocean freight rates from Boston to British ports—Continued.

GRAIN, FLOUR, PROVISIONS, AND APPLES—Continued.

Date.	Grain (per bushel).			Sack flour (per 100 pounds).			Provisions (per 100 pounds).			Apples (per barrel).		
	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.
1915.												
May 7	$0.223	$0.223	$0.223	$0.40	$0.45	$0.46	$0.652	$0.652	$0.652	$1.217	$1.034	$0.973
14	.223	.223	.223	.45	.50	.46	.652	.652	.652	1.217	1.034	.973
21	.243	.223	.223	.45	.50	.46	.652	.652	.652	1.217	1.034	.973
28	.243	.223	.223	.45	.50	.45	.652	.652	.652	1.217	1.034	.973
June 4	.243	.223	.223	.45	.50	.50	.652	.652	.652	1.217	1.034	.973
11	.243	.223	.223	.45	.50	.50	.652	.652	.652	1.217	1.217	.....
18	.223	.223	.223	.45	.50	.50	.652	.652	.652	1.217	1.217	.973
25	.223	.223	.223	.45	.50	.50	.652	.652	.652	1.217	1.217	.973
July 2	.203	.203	.223	.45	.50	.50	.652	.652	.652	1.217	1.217	.973
9	.203	.203	.223	.45	.50	.50	.652	.652	.652	1.25	1.25	1.25
16	.183	.203	.223	.40	.50	.50	.652	.652	.652	1.25	1.25	1.25
23	.203	.203	.223	.45	.50	.50	.652	.652	.652	1.25	1.25	1.25
30	.203	.203	.243	.45	.50	.50	.652	.652	.652	1.25	1.25	1.25
Aug. 6	.203	.203	.243	.45	.50	.50	.652	.652	.652	1.25	1.25	1.25
13	.203	.203	.243	.45	.50	.50	.652	.652	.652	1.25	1.25	1.25
20	.203	.203	.243	.45	.50	.50	.652	.652	.652	1.25	1.25	1.25
27	.203	.203	.243	.45	.50	.50	.652	.652	.652	1.25	1.25	1.25
Sept. 3	.203	.203	.243	.45	.50	.50	.652	.652	.652	1.25	1.25	1.25
10	.264	.264	.243	.45	.50	.55	.68	.68	.80	1.25	1.25	1.25
17	.264	.264	.243	.48	.50	.55	.68	.50	.80	1.25	1.25	1.25
24	.304	.304	.284	.50	.55	.60	.68	.80	.80	1.25	1.25	1.50
Oct. 1	.365	.365	.365	.60	.65	.60	.80	.80	.80	1.25	1.25	1.50
8	.406	.406	.365	.65	.75	.65	.80	.90	.80	1.25	1.25	1.50
15	.406	.406	.365	.70	.75	.70	.90	.90	.90	1.25	1.25	1.50
22	.365	.365	.365	.70	.70	.70	.90	.90	.90	1.25	1.25	1.50
29	.385	.385	.406	.70	.75	.75	.90	.90	.90	1.25	1.25	1.50
Nov. 5	.406	.406	.406	.70	.75	.75	.90	.90	.90	1.25	1.25	1.50
12	.406	.406	.406	.70	.75	.75	.90	.90	.90	1.25	1.25	1.50
19	.385	.385	.406	.70	.80	.75	.90	.90	.90	1.25	1.25	1.75
26	.385	.365	.385	.70	.80	.75	.90	.90	.90	1.25	1.25	1.75
Dec. 3	.385	.365	.365	.70	.80	.75	.90	.90	.90	1.25	1.25	1.75
10	.385	.385	.385	.70	.80	.80	.90	.90	.90	1.25	1.25	1.75
17	.385	.406	.385	.80	.80	.80	.90	.90	.95	1.25	1.25	1.75
24	.385	.406	.406	.80	.80	.85	1.00	1.00	.95	1.25	1.25	1.75
31	.385	.406	.406	.80	.80	.85	1.00	1.00	1.00	1.25	1.25	1.75
1916.												
Jan. 7	.406	.406	.406	.80	.85	.85	1.25	1.25	1.10	1.25	1.25	1.75
14	.406	.406	.406	.80	.80	.85	1.25	1.25	1.10	1.25	1.25	1.75
21	.406	.406	.406	.80	.80	1.00	1.25	1.25	1.25	1.25	1.25	1.75

LUMBER (HARD AND SOFT), TOBACCO, AND COTTON.

[Published by Boston & Maine R. R. Co., Foreign Freight Department.]

Date.	Lumber (per 100 pounds).						Tobacco (per 100 pounds).			Cotton (per 100 pounds).		
	Hard.			Soft.								
	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.
1914.												
Jan. 9	$0.18½	$0.21	$0.17	$0.24	$0.27	$0.24	$0.37	$0.35	$0.35	$0.20	$0.25	$0.30
16	.18½	.21	.17	.24	.27	.24	.37	.35	.35	.18	.25	.30
23	.18½	.21	.17	.24	.27	.24	.37	.35	.35	.18	.25	.30
30	.18½	.21	.17	.24	.27	.24	.37	.35	.35	.18	.25	.30
Feb. 6	.18½	.21	.17	.24	.27	.24	.37	.35	.35	.16	.25	.30
13	.18½	.21	.17	.24	.27	.24	.31	.35	.35	.16	.25	.30
20	.18½	.21	.17	.24	.27	.24	.31	.35	.35	.16	.25	.30
27	.18½	.21	.17	.24	.27	.24	.31	.35	.35	.12	.25	.30
Mar. 6	.18½	.21	.17	.24	.27	.24	.31	.35	.35	.12	.25	.30
13	.18½	.21	.17	.24	.27	.24	.31	.35	.35	.12	.25	.30
20	.18½	.21	.17	.24	.27	.24	.31	.35	.35	.12	.25	.30
27	.18½	.21	.17	.24	.27	.24	.31	.35	.35	.12	.25	.30

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Ocean freight rates from Boston to British ports—Continued.

LUMBER (HARD AND SOFT), TOBACCO, AND COTTON—Continued.

Date.	Lumber (per 100 pounds).						Tobacco (per 100 pounds).			Cotton (per 100 pounds).		
	Hard.			Soft.								
	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.
1914.												
Apr. 3 [1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10	$0.18½	$0.21	$0.17	$0.24	$0.27	$0.26	$0.31	$0.35	$0.35	$0.12	$0.25	$0.30
17	.18½	.21	.17	.24	.27	.26	.31	.35	.35	.12	.25	.30
24	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
May 1	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
8	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
15	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.15	.25	.30
22	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
29	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
June 5	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
12	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.15	.25	.30
19	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
26	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
July 3	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
10	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.12	.25	.30
17	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.15	.25	.30
24 [1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
31	.16½	.21	.17	.22	.27	.26	.31	.35	.35	.25	.25	.30
Aug. 7 [2]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
14 [2]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
21 [2]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
28	.23½	.26	.....	.29	.32	.....	.31	.45	.....	.25	.....	.....
Sept. 4	.23½	.26	.20	.29	.32	.27	.31	.45	.....	.25	.....	.....
11	.23½	.26	.20	.29	.32	.27	.31	.45	.45	.25	.....	.30
18	.23½	.26	.20	.29	.32	.27	.31	.45	.45	.25	.....	.30
25	.23½	.26	.20	.29	.32	.27	.31	.45	.45	.30	.....	.30
Oct. 2	.23½	.26	.20	.29	.32	.27	.31	.45	.45	.30	.....	.30
9	.23½	.26	.20	.29	.32	.27	.31	.45	.45	.30	.....	.30
16	.23½	.26	.20	.29	.32	.27	.31	.45	.45	.30	.....	.30
23	.23½	.26	.20	.29	.32	.27	.31	.45	.45	.30	.....	.30
30	.23½	.26	.20	.29	.32	.27	.40	.38	.45	.35	.....	.30
Nov. 6	.26½	.28	.20	.32	.33	.27	.40	.38	.45	.45	.....	.30
13	.25	.30	.20	.30	.35	.27	.40	.38	.45	.45	.....	.30
20	.25	.30	.20	.30	.35	.27	.45	.38	.45	.45	.....	.30
27	.26	.30	.20	.32	.35	.27	.50	.38	.45	.50	.....	.30
Dec. 4	.26	.30	.20	.32	.35	.27	.50	.38	.50	.60	.....	.50
11	.30	.30	.20	.35	.35	.27	.60	.62	.50	.60	.....	.50
18	.30	.30	.20	.35	.35	.27	.60	.62	.50	.60	.....	.50
24	.38	.38	.20	.435	.435	.27	1.00	1.00	.50	.75	.....	.50
1915.												
Jan. 1	.38	.38	.20	.435	.435	.27	1.00	1.00	.50	.75	.....	.50
8	.38	.38	.20	.435	.435	.27	1.00	1.00	.50	.85	.....	.50
15	.435	.....	.....	.543	.....	.....	1.25	.....	1.00	1.00	.....	.....
22	.40	.....	.....	.543	.....	.....	1.25	.....	1.00	1.00	.....	.....
29	.40	.....	.35	.543	.....	.40	1.25	.....	1.00	1.00	.....	1.00
Feb. 5	.50	.....	.50	.543	.....	.40	1.25	.....	1.00	1.00	.....	1.00
12	.45	.....	.35	.543	.....	.40	1.25	.....	1.00	1.00	.....	1.00
19	.45	.....	.35	.543	.....	.40	1.25	.....	1.00	1.00	.....	1.00
26	.543	.....	.40	.652	.....	.45	1.50	.....	1.00	1.00	.....	1.00
Mar. 5	.543	.....	.40	.....	.....	.45	1.25	.....	1.00	1.00	.....	1.00
12	.543	.....	.45	.652	.....	.50	1.25	.....	1.00	1.00	.....	1.00
19	.543	.....	.475	.652	.....	.54	1.50	.....	1.00	1.00	.....	1.00
26	.543	.....	.475	.652	.....	.54	1.50	.....	1.00	1.25	.....	1.00
Apr. 2	.543	.60	.475	.652	.65	.54	1.50	1.50	1.00	1.25	.....	1.00
9 [3]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
16	.652	.61	.575	.76	.67	.64	1.50	1.50	1.00	1.25	.....	1.00
23	.652	.61	.575	.76	.67	.64	1.50	1.50	1.00	1.25	.....	1.00
30	.652	.652	.575	.76	.76	.64	1.25	1.50	1.00	1.00	.....	1.00
May 7	.652	.652	.575	.76	.76	.64	1.25	1.50	1.00	1.00	.....	1.00
14	.652	.652	.575	.76	.76	.64	1.25	1.50	1.00	1.00	.....	1.00
21	.652	.652	.575	.76	.76	.64	1.25	1.50	1.00	1.00	.....	1.00
28	.652	.652	.575	.76	.76	.64	1.25	1.50	1.00	1.00	.....	1.00
June 4	.652	.652	.60	.76	.76	.66	1.25	1.50	1.00	1.00	.....	1.00
11	.652	.652	.60	.76	.76	.65	1.25	1.50	1.00	1.00	.....	1.00
18	.652	.652	.60	.76	.76	.66	1.25	1.50	1.00	1.00	.....	1.00
25	.652	.652	.60	.76	.76	.66	1.25	1.50	1.00	1.00	.....	1.00
July 2	.652	.652	.60	.76	.76	.66	1.25	1.50	1.00	1.00	.....	1.00
9	.652	.652	.60	.76	.76	.66	1.15	1.50	1.00	1.00	.....	1.00
16	.598	.652	.60	.706	.76	.66	1.15	1.50	.....	1.00	.....	.....
23	.598	.652	.60	.706	.76	.66	1.15	1.50	.....	1.00	.....	.....
30	.598	.652	.60	.706	.76	.66	1.15	1.50	1.25	1.00	.....	1.00

[1] No report at hand. [2] Unsettled conditions on account of war. [3] No data available.

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Ocean freight rates from Boston to British ports—Continued.

LUMBER (HARD AND SOFT), TOBACCO, AND COTTON—Continued.

Date.	Lumber (per 100 pounds).						Tobacco (per 100 pounds).			Cotton (per 100 pounds).		
	Hard.			Soft.								
	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.	Liverpool.	London.	Glasgow.
1915.												
Aug. 6	$0.598	$0.652	$0.60	$0.706	$0.679	$0.66	$1.15	$1.40	$1.25	$1.00	.....	$1.00
13	.598	.652	.575	.706	.679	.64	1.15	1.40	1.25	1.00	.....	1.00
20	.598	.652	.575	.706	.679	.64	1.15	1.40	1.25	1.00	.....	1.00
27	.598	.652	.575	.706	.679	.64	1.15	1.40	1.25	1.00	.....	1.00
Sept. 3	.598	.652	.60	.706	.679	.64	1.15	1.40	1.25	1.00	.....	1.00
10	.65	.70	.60	.70	.75	.66	1.15	1.17	1.25	1.00	.....	1.00
17	.65	.70	.60	.70	.75	.66	1.15	1.20	1.25	1.15	.....	1.00
24	.65	.70	.65	.70	.75	.70	1.15	1.20	1.25	1.25	.....	1.00
Oct. 1	.70	.75	.68	.75	.80	.73	1.25	1.30	1.25	1.25	.....	1.00
8	.70	.80	.75	.75	.85	.83	1.25	1.50	1.25	1.25	.....	1.00
15	.70	.85	.70	.75	.90	.75	1.25	1.50	1.25	1.25	.....	1.25
22	.70	.90	.70	.75	.95	.75	1.25	1.50	1.25	1.00	.....	1.25
29	.70	.95	.70	.80	1.00	.75	1.25	1.50	1.25	1.25	.....	1.25
Nov. 5	.70	.95	.70	.80	1.00	.75	1.25	1.50	1.25	1.25	.....	1.25
12	.70	.95	.70	.80	1.00	.75	1.25	1.50	1.25	1.25	$1.25	1.25
19	.70	.95	.725	.80	1.00	.78	1.25	1.50	1.25	1.25	.....	1.25
26	.75	.95	.725	.85	1.00	.79	1.25	1.50	1.25	1.25	.....	1.25
Dec. 3	.85	.95	.775	1.00	1.00	.84	1.35	1.50	1.25	1.50	.....	1.25
10	.85	.95	.775	1.00	1.00	.84	1.35	1.50	1.50	1.75	.....	1.50
17	.95	.95	.78	1.20	1.00	.84	1.50	2.00	1.50	2.00	2.00	1.50
24	.95	.95	.80	1.20	1.00	.84	1.75	2.00	1.50	2.00	2.00	2.00
31	.95	.95	.78	1.20	1.00	.84	2.00	2.00	1.50	2.25	2.25	1.50
1916.												
Jan. 7	1.10	1.10	.80	1.20	1.20	.84	3.00	.....	2.00	2.75	3.00	2.00
14	1.10	1.10	.83	1.20	1.20	.89	3.00	.....	2.25	2.75	3.00	.....
21	1.10	1.10	.83	1.20	1.20	.89	3.00	.....	2.25	2.75	3.00	.....

Import freight rates.

FROM LIVERPOOL TO BOSTON.

Commodity.	Unit.	1914			
		Jan. 1.	Apr. 1.	July 1.	Oct. 1.
Cotton goods	40 cubic feet	$9.13	$9.13	$9.13	$9.13
Cotton, raw	2,240 pounds	4.26	4.26	4.26	4.26
Earthenware and china	40 cubic feet	2.42- 4.26	2.42- 4.26	2.42- 4.26	2.42- 4.26
Hides and skins	2,240 pounds	8.21-21.29	8.21-21.29	8.21-21.29	8.21-21.29
India rubber	40 cubic feet	9.13	9.13	9.13	13.38
Iron, ferromanganese	2,240 pounds	3.04	3.04	3.04	3.04
Tin, in bars	do	9.13 10.34	9.13 10.34	9.13 10.34	9.13 10.34
Vegetable oils	do	4.26	4.26	4.26	4.26
Wool, raw	do 40 cubic feet	6.08 18.25	6.08 18.25	6.08 18.25	6.08 18.25
Measurement goods	do	9.13-18.25	9.13-18.25	9.13-18.25	9.13-18.25

Commodity.	Unit.	1915				Jan. 1, 1916.
		Jan. 1.	Apr. 1.	July 1.	Oct. 1.	
Cotton goods	40 cubic feet	$13.38	$13.38	$13.38	$13.38	$13.38
Cotton, raw	2,240 pounds	5.47	5.47	6.08	6.08	6.08
Earthenware and china	40 cubic feet	3.04- 4.26	3.04- 4.26	3.65- 6.08	3.65- 6.08	3.65- 6.08
Hides and skins	2,240 pounds	8.21-21.29	8.21-21.29	8.21-21.29	8.21-21.29	8.21-21.29
India rubber	40 cubic feet	13.38	13.38	13.38	13.38	13.38
Iron, ferromanganese	2,240 pounds	3.04	3.04	3.04	3.65	3.65
Tin, in bars	do	9.13 10.34	9.13 10.34	9.13 10.34	9.13 10.34	9.13 10.34
Vegetable oils	do	5.47	5.47	5.47	5.47	5.47
Wool, raw	do 40 cubic feet	9.13 18.25	9.13 18.25	9.13 18.25	9.13 18.25	9.13 18.25
Measurement goods	do	13.38-21.90	13.38-21.90	13.38-21.90	13.38-21.90	13.38-21.90

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Import freight rates—Continued.

FROM BUENOS AIRES TO BOSTON.

Commodity.	Unit.	1914			
		Jan. 1.	Apr. 1.	July 1.	Oct. 1.
Hides, salt	Per ton	$6.50	$6.50	$6.50	$6.50
Hides, dry	100 pounds	.70	.70	.70	.70
Wool, raw	40 cubic feet	4.50	4.50	4.50	4.50

Commodity.	Unit.	1915				Jan. 1, 1916.
		Jan. 1.	Apr. 1.	July 1.	Oct. 1.	
Hides, salt	Per ton	$14.00	$14.00	$14.00	$14.00	$14.00
Hides, dry	100 pounds	1.50	1.50	1.50	1.50	1.50
Wool, raw	40 cubic feet	12.00	12.00	12.00	12.00	12.00

New Orleans: Increase in ocean freight rates from January 1, 1914, to January 1, 1916.

[Report prepared by the New Orleans district office of the Bureau of Foreign and Domestic Commerce.

NEW ORLEANS, *March 10, 1916.*

In compliance with the instructions given in your letter of February 2, dictated by Commercial Agent Jones, there are inclosed herewith ocean freight rate schedules covering the traffic between New Orleans and European ports. These schedules are as complete as it has been possible to make them from the data available. New Orleans ships very little outside of the first two classifications on the prepared schedule, and it has been impossible to obtain rates that would be of any value for comparative purposes on steel products, machinery, mineral and petroleum products, and miscellaneous manufactured goods. A large amount of oil is credited to the export figures of this port, but this moves in full cargo lots chiefly from Baton Rouge.

The figures supplied in the inclosed statements are taken from the books of the New Orleans Cotton Exchange, the files of the Lumber Trade Journal, files of the rate sheets issued by the Texas Transport & Terminal Co., A. H. Clement & Co., Ross & Heyn, and George Gerdes & Co., supplemented by figures taken from the actual manifests of the Leyland, Vogemann, Head, Pinillos, Gans, Norway-Mexico Gulf, Swedish-American-Mexico, Maclay-Prentice Co., and Pierce Cotoniera lines.

I am giving on these sheets the rates as quoted in the various sources of information, with footnotes indicating any variation in the unit of quantity. It would be misleading to the compiler of any report from this data for me to make any attempt at reducing these rates to a common basis. The fluctuation in sterling exchange has forced a good many changes in the methods of quoting during the last six months. For example, the cottonseed oil rate, has ordinarily been quoted in shillings per barrel, but since the 1st of October a number of lines have changed their quotations to cents per hundred pounds to avoid the uncertainty of exchange fluctuations. To bring the shilling rates down to a dollar and cents basis due consideration must be given to the various exchange rates ruling at the time these quotations were made. In other cases the unit of quantity on which quotation is made has been changed. For instance, pine quotations are in some cases in shillings per standard and in others in dollars per thousand feet. This can readily be brought down to a common unit of quantity, but I believe such conversion should be done by the person making use of the figures rather than by the compiler of these charts, as he will then know exactly what has been done.

Yours, very truly,

E. E. JUDD,
Commercial Agent in Charge.

Another communication from the commercial agent in charge of the New Orleans district office of the Bureau of Foreign and Domestic Commerce may also be of interest in connection with the shipping situation at the Gulf ports. This letter was in answer to a request from the bureau that the agent look into the possibilities of securing

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a vessel for the movement of mahogany from Central America to New Orleans for a large plant in Cincinnati:

NEW ORLEANS, *March 8, 1916.*

I have your letter of March 6, dictated by Commercial Agent Jones, inclosing copy of a letter from the Freiberg Lumber Co. to the Cincinnati Chamber of Commerce, asking for advice as to the conditions in shipping between Central America and the Gulf ports. I can say, in general, that charters for Central American business have been practically unobtainable for the past several months, charter rates being way above what this traffic can bear. Steamers are absolutely out of the question, as they have all gone into the European trade with the exception of the regular line vessels carrying general cargo down and bringing bananas and other fruit back. There have been a few small sailing vessels on the market from time to time at high rates. The regular liners are not available for mahogany business as they will accept such cargo only in small quantities and at their regular shipping points. Most of the mahogany is loaded at small ports not regularly touched by these ships.

The abnormal prices asked for tonnage in the Central American trade are only a logical result of the European situation. With cotton rates at $2.90 per hundred pounds to Liverpool, $3.15 to Havre, $3 to Barcelona, and $3.60 to Gothenberg, and pig iron bringing $25 a ton, it is only natural that shipowners have thrown their vessels into the European trade. Shippers to Europe are literally begging for space at these prices. There has been a great deal of speculating in tonnage, but the rates are traceable directly to the enormous outbound traffic. I just heard to-day of one speculator who paid 170 shillings per dead-weight ton for a vessel with a capacity of sixteen to eighteen hundred tons. The market has dropped a little since then, so that the ship is only worth about 140 shillings now. This man stands to lose several thousand dollars on the venture in spite of the high rates prevailing.

I am going further into this subject in the next day or so and will report if I find anything further of interest. I shall also do a little scouting around in shipping circles here and see if I can't pick up something for the Freiberg Co. I think I know where there is an 1,800-ton sailing vessel which might be glad to make a contract for mahogany business.

Very truly, yours,

E. E. JUDD,
Commercial Agent in Charge.

P. S.—In talking over the shipping situation with Mr. De Witt to-day I mentioned that a mahogany company wanted a 2,000-ton steamer. He said if he could find any such craft he would like to buy three of them at a good, fat figure, and pay a fine commission to the wizard who produced them. He said, "I don't care about age, beauty, or flag if they will float and can sail without danger of being shot to pieces. And I can load them with something more profitable than mahogany."

E. E. J.

Ocean freight rates from New Orleans to European ports.

COTTON (COMPRESSED), PER 100 POUNDS.

Port of destination.	1914				1915				1916, Jan. 1.
	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	
British ports:									
London	$0.48				$1.15				
Liverpool	.31	$0.30	$0.28	$0.50	1.00	$1.40	$1.00	$1.10	$3.60
Manchester	.38	.33	.31	.50	1.00	1.60	1.10	1.15	
Glasgow	.34	.38	.35	.45	.65	1.15	1.25		2.25
Dublin	.48	.38	.35						
Belfast	.48	.38	.35	.45	.65				
Scandinavian ports:									
Gothenburg	.53	.43	.40			2.25	1.75	1.75	2.75
Christiania	.53	.43	.40	.85	1.20 / 2.00	2.25	1.75	1.75	2.75
Dutch ports:									
Amsterdam	.40	.32	.27	.72	2.52	2.17	1.52	2.02	2.77
Rotterdam	.36	.34	.28	.35	2.50	2.15	1.50	2.00	2.75
Havre, France	.38	.34	.35	.50	1.20 / 1.35	1.55	1.20	1.60	2.80
Barcelona, Spain	.60	.40	.40	.85	1.40	1.40	1.40	1.50	2.00
Italian ports:									
Genoa	.45	.40	.38	.60	1.35	1.75	1.25	1.75	2.25
Naples	.47½	.42½	.40½	.72½	1.52½	1.75	1.25	1.75	2.30

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Ocean freight rates from New Orleans to European ports—Continued.

COTTONSEED OIL, PER BARREL OF 450 POUNDS.

Port of destination.	1914				1915				1916, Jan. 1.
	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	
British ports:									
Liverpool	$1.22	$1.22	$1.10	$4.87	.....	.....	$2.43	$2.92	.....
Glasgow	1.35	1.26	1.17	1.40	$2.08	$2.93	3.60	3.60	$5.40
Dublin	1.53	1.30	1.22	.....	.....	3.02	3.69	3.69	5.63
Belfast	1.35	1.26	1.17	1.62	2.08	2.93	3.60	3.60	5.40
Scandinavian ports:									
Gothenburg	1.70	1.70	1.70	.....	.....	6.33	8.52	5.40	8.55
Christiania	1.70	1.70	1.70	1.58	7.30	8.52	4.26	.....	5.63
Dutch ports:									
Amsterdam	.....	.....	1.10	1.95	4.38	4.99	.....	6.04	7.29
Rotterdam	1.46	1.46	.97	1.83	4.26	4.87	4.31	5.85	7.20
Havre, France	1.46	1.46	1.40	1.46	2.92	4.87	3.89	4.73	12.60
Genoa, Italy	1.70	1.64	1.64	2.19	3.65	5.84	4.87	5.40	6.53

COTTONSEED CAKE, PER LONG TON.

British ports:									
Liverpool	$3.65	$2.92	$2.43	.....	$10.34	.....	$10.34	$12.17	.....
Manchester	3.65	2.92	2.43	.....	.....	.....	10.34	10.95	.....
Glasgow	4.62	4.14	3.89	$6.08	8.03	$12.17	13.39	14.60	$21.90
Dublin	5.11	4.38	4.14	.....	.....	12.66	13.87	15.09	22.39
Belfast	4.62	4.14	3.89	6.08	8.03	12.17	13.39	14.60	21.90
Scandinavian ports:									
Gothenburg	5.11	3.89	3.89	.....	.....	18.25	14.60	15.68	33.60
Christiania	4.87	3.89	3.89	.....	.....	15.82	14.60	15.68	33.60
Dutch ports:									
Amsterdam	3.89	3.65	3.29	6.33	14.83	19.96	14.83	22.35	28.45
Rotterdam	3.65	3.41	3.04	6.08	14.60	19.70	14.60	22.40	28.00
Havre, France	4.02	3.77	3.16	5.35	11.31	17.03	12.17	16.80	33.60
Genoa, Italy	5.35	5.35	5.35	7.30	10.95	20.08	14.60	18.37	30.24

WHEAT, PER BUSHEL OF 60 POUNDS.

British ports:									
Liverpool	$0.07	$0.061	$0.061	$0.061	$0.152	$0.264	.....	$0.243	.....
Manchester	.07	.066	.061	.132	.233	.264	.....	.....	.....
Glasgow	.101	.101	.....	.091	.....	.....	.....	.35	$0.548
Scandinavian ports:									
Gothenburg	.101	.091	.087	.....	.....	.....	$0.365	.38	.589
Christiania	.101	.091	.084	.....	.213	.....	.365	.38	.589

FLOUR, PER 100 POUNDS.

British ports:									
Liverpool	$0.20	$0.18	$0.18	.....	$0.23	$0.40	$0.55	$0.55	.....
Glasgow	.25	.20	.20	$0.28	.35	.45	.60	.60	$1.01
Dublin	.26	.21	.21	.....	.....	.47	.61	.61	1.06
Belfast	.25	.20	.20	.28	.35	.45	.60	.60	1.01
Scandinavian ports:									
Gothenburg	.26	.23	.23	.....	.....	.75	.61	.70	1.25
Christiania	.26	.23	.23	.35	.60	.75	.61	.70	1.25
Dutch ports:									
Amsterdam	.21	.18	.17	.29	.63	.88	.53	.70	1.11
Rotterdam	.20	.17	.16	.28	.62	.87	.52	.69	1.10
Havre, France	.22	.19	.18	.24	.50	.75	.55	.75	1.50
Genoa, Italy	.24	.22	.22	.30	.56	.85	.62	.82	1.35

TOBACCO, PER 100 POUNDS.

British ports:									
Liverpool	.....	$0.425	$0.455	$0.465	.....	$1.15	$1.15	$1.15	.....
Glasgow	$0.415	.415	.45	.60	$0.70	1.50	1.00	.....	.....
Belfast	.48	.....	.45	.60	.70	1.50	.....	.....	.....
Christiania, Norway	.49	.40	.70	.75	1.25	2.50	2.00	2.00	$3.00
Dutch ports:									
Amsterdam	.50	.50	.50	.72	2.57	2.12	1.77	2.02	3.01
Rotterdam	.48	.48	.48	.70	2.55	2.10	1.75	2.00	3.00
Havre, France	.48	.48	.43	.50	1.40	1.62	1.40	1.60	2.50
Genoa, Italy	.50	.43	.43	.63	1.55	1.80	1.30	1.80	2.35

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Ocean freight rates from New Orleans to European ports—Continued.

MEAT PRODUCTS, PER 100 POUNDS.

Port of destination.	1914				1915				1916, Jan. 1.
	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	
British ports:									
Glasgow	$0.35	.....	$0.26	$0.30	$0.45	$0.70	.....	$0.80	.....
Belfast	.35	.....	.36	.34	.45	.70	.....	.....	.....
Dutch ports:									
Amsterdam	.36	$0.31	.31	.46	.97	1.77	$1.02	1.32	$1.52
Rotterdam	.35	.30	.30	.45	.95	1.75	1.00	1.30	1.50
Havre, France	.33	.33	.33	.35	.70	1.10	.90	1.10	2.75
Genoa, Italy	.36	.34	.34	.40	.82	1.30	1.10	1.20	1.50

LUMBER (SOFT), PER 2,000 FEET.

Port of destination.	1914 Jan. 1.	1914 Apr. 1.	1914 July 1.	1914 Oct. 1.	1915 Jan. 1.	1915 Apr. 1.	1915 July 1.	1915 Oct. 1.	1916, Jan. 1.
British ports:									
Liverpool	$19.47	$15.82	$14.60	$21.90	.....	$38.93	$41.37	$54.75	.....
Manchester	19.47	15.82	14.60	.....	.....	.....	41.37	.....	.....
Glasgow	24.00	20.00	13.00	20.00	$32.00	50.00	11.56	48.67	$24.33
Belfast	24.00	20.00	16.00	24.00	32.00	50.00	.....	60.00	.....
Christiania, Norway	27.00	24.33	19.47	.....	.....	43.80	.....	49.00	.....
Dutch ports:									
Amsterdam	18.86	15.82	13.39	28.22	76.65	79.84	52.32	158.00	188.00
Rotterdam	17.03 / 19.47	14.00	12.78	28.11	73.00	75.43	48.67	150.00	180.00
Havre, France	23.00	17.03	14.60	24.33	46.23	75.43	66.91	140.00	230.00
Barcelona, Spain	24.00	20.00	14.00	14.00	24.00	34.00	34.00	40.00	50.00
Genoa, Italy	21.90	18.25	17.64	24.33	54.75	97.30	73.00	160.00	200.00
Buenos Aires, Argentina	32.00	32.00	32.00	.....	.....	.....	66.00	66.00	.....

LUMBER (HARD), PER 100 POUNDS.

Port of destination.	1914 Jan. 1.	1914 Apr. 1.	1914 July 1.	1914 Oct. 1.	1915 Jan. 1.	1915 Apr. 1.	1915 July 1.	1915 Oct. 1.	1916, Jan. 1.
British ports:									
Liverpool	$0.28	$0.25	$0.23	$0.30	.....	$1.50	$0.70	$0.80	.....
Manchester	.30	.25	.23	.45	$0.50	.....	.70	.75	$0.80
Glasgow	.30	.28	.26	.30	.45	.65	.80	.80	1.20
Dublin	.34	.29	.29	.37	.....	.67	.82	.81	1.25
Belfast	.30	.28	.28	.34	.45	.65	.80	.80	1.20
Scandinavian ports:									
Gothenburg	.40	.40	.35	.50	.....	1.50	.95	.90	1.25
Christiania	.40	.40	.35	.50	.....	1.50	.95	.90	1.25
Dutch ports:									
Amsterdam	.32	.26	.22	.40	.97	1.02	.82	1.22	1.33
Rotterdam	.28	.24	.20	.38	.95	1.00	.80	1.20	1.30
Havre, France	.33	.26	.26	.33	.70	1.10	.85	.90	1.30
Genoa, Italy	.36	.34	.26	.40	.83	1.30	1.00	1.20	1.40

PIG IRON, PER LONG TON.

Port of destination.	1914 Jan. 1.	1914 Apr. 1.	1914 July 1.	1914 Oct. 1.	1915 Jan. 1.	1915 Apr. 1.	1915 July 1.	1915 Oct. 1.	1916, Jan. 1.
British ports:									
Glasgow	$4.87	$3.04	$3.04	$5.47	$6.08	$8.52	.....	.....	.....
Belfast	.....	3.04	3.04	5.47	6.08	8.52	.....	.....	.....
Dutch ports:									
Amsterdam	2.92	2.92	2.43	.....	7.79	7.79	.....	.....	.....
Rotterdam	2.43	2.43	1.95	.....	7.30	7.30	.....	.....	.....
Havre, France	2.43	2.43	2.43	3.16	4.87	7.30	$7.30	$8.96	.....
Genoa, Italy	2.68	2.43	2.43	3.65	6.08	8.03	9.73	9.75	.....

ROSIN, PER LONG TON.

Port of destination.	1914 Jan. 1.	1914 Apr. 1.	1914 July 1.	1914 Oct. 1.	1915 Jan. 1.	1915 Apr. 1.	1915 July 1.	1915 Oct. 1.	1916, Jan. 1.
British ports:									
Liverpool	$4.62	$3.89	$3.41	.....	.....	$13.39	$13.39	$14.60	.....
Glasgow	5.11	4.62	4.14	$5.84	$8.76	13.39	.....	.....	$24.33
Belfast	5.11	4.62	4.62	6.33	8.76	13.39	.....	.....	.....
Christiania, Norway	5.35	5.47	5.47	9.13	12.17	30.42	19.47	24.64	30.9
Dutch ports:									
Amsterdam	5.11	3.77	3.77	5.60	17.52	19.96	16.30	24.42	34.05
Rotterdam	6.27	5.38	4.48	8.51	21.28	22.40	17.92	26.88	38.13
Havre, France	5.11	3.89	3.65	4.87	10.95	17.03	15.82	16.80	49.28
Genoa, Italy	[1] 6.60	[1] 5.93	[1] 5.50	[1] 7.91	[1] 13.19	[1] 22.85	[1] 20.22	22.40	30.24

[1] Plus 5 per cent primage.

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Seattle: Increase in ocean freight rates to the Far East from January 1, 1914, to January 1, 1916.

[Report prepared by the Seattle district office of the Bureau of Foreign and Domestic Commerce.]

The following statement regarding the ocean freight situation at Seattle on March 2, 1916, was prepared by Mr. W. B. Henderson, commercial agent in charge of the Seattle district office of the Bureau of Foreign and Domestic Commerce:

SEATTLE, WASH., *March 2, 1916.*

Referring again to your communication of February 2, in which you requested a detailed report on ocean freight rates for specified commodities and periods between Seattle and foreign ports, I have the honor to submit herewith the result of the investigation on the sheets that were furnished by the bureau.

In connection with this report I am submitting herewith, I have to state my utter inability to cover all commodities, all periods, and all destinations. However, the report is as complete as it could possibly be, owing to the unsettled conditions in shipping facilities and the entire absence of published tariff schedules since the breaking out of the European war.

My investigation necessitated about 35 calls for interviews with managers of ocean steamship companies, commercial organizations, and transportation companies. In most every case on first presenting the matter to a steamship line or the manager of a transportation bureau I was met with the blunt announcement "there is no such thing now as an ocean freight tariff." They also said that old schedules had been destroyed. Nevertheless, by persistence I secured copies of the 1914 tariff schedules for most lines operating in and out of this port. As to rate quotations for the latter part of 1915 and for January, 1916, there are none, or practically none. Most of the ships are working for all they can get or what they think they can get. There are, however, exceptions to this state of affairs. These exceptions are in the case of the Osaka Shosen Kaisha and the Nippon Yusen Kaisha, the two regular Japanese lines. The rates published by these companies in the tariff schedules for 1914 are more nearly in conformity with the charges they made for freight during the whole of 1915. For 1916 (January), their rates were perceptibly higher, but in no wise to be likened to the enormous increases asked and obtained by others—notably the chartered lines.

This investigation brought out some anomalous conditions bordering onto a paradoxical aspect, inasmuch as there are a greater number of lines in the trade, a large increase in the number of vessels entering and clearing from this port and Tacoma, while at the same time freight in these ports was never so congested and exporters so hard put to secure tonnage space. Yet at the same time, also, this section is manufacturing and producing but a small proportion more than it was at this time two years ago.

This condition, with its peculiar aspects, is accounted for by the arrangements that the transcontinental railroads have with the regular steamship companies plying to Orient ports. The Chicago, Milwaukee & St. Paul and the Northern Pacific Railroads have an understanding or a contract, as it were, with the two regular Japanese steamship companies for practically their entire space. They apportion this space so much to New York, so much to Chicago, to St. Louis, or Kansas City, as the case may be, and get the benefit of the rail charges on the long haul. This practically leaves the local exporter out of the deal, and as a consequence he must stay out of the business or else fall back on the chartered lines and tramp vessels with their advance in ocean freight rates of from 100 to 1,000 per cent.

This situation applies to a large extent to the native products of this section, such as lumber, box shooks, wheat and flour, and canned salmon. Then, too, there appears to be a discrimination on the part of the Japanese lines on certain commodities, as for instance, a representative of one of the largest manufacturers and exporters of flour told me that the Japanese lines had allotted so much space for flour from Puget Sound ports to China. The amount of space which he mentioned is about two-fifths of the product for export by the mills of this section. This, he inferred, was to the advantage of Japan, which country is supplying the other three-fifths to China from her own mills.

Another large export firm here claims that it can not get space promised at any rates for the next five months. He stated a specific case where he had for export a product which is now being booked by the steamship companies at the rate of $35 per ton. He tried for space some months ago and finally secured space from San Francisco on the condition, however, that the shipment be transported from Seattle over the lines of a certain railroad named. It so happens that in order to transport the goods over the particular line named that he must ship from Seattle to Denver and thence to San Francisco, thus making the freight rates prohibitive. He is now in the market for the same commodity on the lines of the specified railroads at a point nearer San Francisco, while his consignment is lying in the Seattle warehouse.

No living man could make a complete analysis of the ocean freight rates here as they present themselves now, and only a very poor comparison can be had. So far

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as securing space is concerned for ships booked to sail in the near future, it is out of the question. A few orders are being booked for four or five months ahead and it would appear that unless the exporter received anormous profits on commodities exported a year ago when ocean freight rates were comparatively normal, it is hard to see where he can get any profit now (even if he secures space) at the abnormally high rates. Yet they are all in the market for tonnage space, and as a consequence new shipping agencies are daily springing up; old lines are adding extra vessels; and contracts are being let for building new ships. Besides the Frank Waterhouse Co. and the H. F. Ostrander Co., who are both chartering a large number of vessels, Griffiths & Sons, old-time shippers, have chartered several tramp vessels and impressed them into the trade, and recently a local concern has received a contract to build immediately a million-dollar ship.

I am herewith inclosing the sheets filled out as fully as the figures can be obtained. I have also supplemented it by a statement showing the present rates that have been secured on tonnage from Seattle to Vladivostock, and I am also submitting a partial list of the parties interviewed in obtaining these rates.

Very truly, yours,

W. B. HENDERSON, *Commercial Agent.*

I interviewed the following concerns here re the ocean freight rates:

Mr. B. J. Orvinsck, of W. R. Grace & Co., as to the import rates from Chilean points (Valparaiso, as specified in the report). He could only give me rates on copper.

Mr. Fawkner, of Fawkner-Currie & Co., who operate a steamship line between here and South America, as to import rates on nitrates from Valparaiso.

Mr. W. A. Mears, of the transportation bureau of the Seattle Chamber of Commerce, on rates generally. No particular information.

Mr. W. D. Benson, manager of the Pacific Coast-Oriental Tariff Bureau, who is also connected with Frank Waterhouse & Co., as to rates generally. He supplied me with the greater portion of the rates for 1914 and part of 1915, and furnished me with a number of schedules.

Mr. F. M. Studley, manager of the Nippon Yusen Kaisha, on rates generally to the Orient. He supplied me with rates on several commodities to Hongkong and Shanghai.

Mr. Manion, of the Blue Funnel Line, supplied me with rates to London.

Mr. D. W. Burchard, of the Hamburg-American Line. No information. His line is interned and out of business, and the documents were burned at a recent fire.

Mr. T. Stuart, recently connected with Robinson & Morrison, furnished some information regarding import rates to Sydney.

Mr. Pettibone, formerly of the Canadian Trading Co., now of the American Trading Co., furnished me with rates on lumber to Hongkong and Shanghai. Mr. Hodge, of the Northwest Trading Co., furnished rates on flour, bar iron, sheet iron, wire, and some commodity rates to Shanghai and Hongkong.

Mr. Parrott, of the firm of Parrott & Co., brokers, furnished general information.

Mr. Erickson, of the American Express Co., gave me considerable information regarding rates, especially on the old schedules of 1914.

Mr. W. S. Allen, assistant manager of the Fisher Flouring Mills, furnished me valuable information regarding export rates to the Orient on flour.

Mr. Robert Hill, manager of the Merchants' Exchange, gave me valuable assistanco regarding rates on flour and wheat to London.

Mr. H. F. Ostrander furnished valuable information as to rates on a number of commodities to Shanghai and Hongkong.

The following shipping agencies and exporters were visited in Tocoma, in connection with the investigation of ocean freight rates:

Mr. McKune, chairman transportation bureau, Tocoma Commercial Club and Chamber of Commerce.

Mr. Giles Smith, acting secretary, Tacoma Commercial Club and Chamber of Commerce.

Mr. Hans Heidner, importer and exporter.

Mr. J. B. Van Fossen, agent for Osaka Shosen Kaisha.

Mr. J. T. Steeb, customhouse broker.

Others interviewed in Seattle are as follows:

A representative of M. Furuya & Co.

Northwest Trading Co.

Mr. Pettibone, of the American Trading Co.

The agent of the Norwegian-American Line, for information re freight rates to Scandinavian ports.

A representative of W. R. Grace & Co., who are agents for the Johnson Line, regarding rates to Copenhagen.

The vice consul for Norway.

A representative of Fawkner-Currie Co., shipping agents.

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Ocean freight rates from Seattle to the Far East and London.

Commodity and port.	1914.				1915.				Jan. 1, 1916.
	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	
Cotton (compressed), per 100 pounds:									
Hongkong	$0.40	$0.40	$0.40	$0.40	$0.40	$0.40	$0.40	$0.40	$1.00
Manila	.40	.40	.40	.40	.40	.40	.60	.75	1.00
Wheat, per ton of 2,000 pounds:									
Hongkong	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	[1] 10.00
Manila	5.00	5.00	5.00	5.00	5.00	5.00	5.00	8.00	8.00
Sydney	6.52	6.52	6.52–6.63	6.79	7.61–8.14	13.04	17.39	17.39	21.73
London	4.89–8.69	4.89–8.69	4.89–8.69	4.89–8.69	10.87	10.87	10.87	11.41	29.33
Flour, per ton of 2,000 pounds:									
Hongkong	4.00–5.00	3.50–4.00	3.00–4.00	4.00	5.00	5.00–6.00	5.00–8.00	6.00–8.00	9.00
Manila	5.00	5.00	5.00	5.00	5.00	5.00	5.00	8.00	8.00
Meat products, per ton of 2,000 pounds:									
Hongkong	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Manila	8.00	8.00	8.00	8.00	8.00	8.00	10.00	10.00	.....
Shanghai	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Lard, per ton of 2,000 pounds:									
Hongkong	6.00	6.00	6.00	6.00	8.00	8.00	8.00	8.00	[1] 8.00
Manila	6.00	6.00	6.00	6.00	6.00	6.00	7.50	10.00	10.00
Tobacco, per ton of 2,000 pounds:									
Hongkong	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Manila	10.00	10.00	10.00	10.00	10.00	10.00	.....	.....	.....
Shanghai	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
Lumber, per thousand feet b. m.:									
Hongkong	10.00	10.00	10.00	10.00	12.00	12.00	12.00	15.00	17.00
Manila	10.00	10.00	10.00	10.00	12.00	12.00	12.00	15.00	17.00
Sydney	9.73–10.22	9.12–9.73	9.12–9.73	.....	.....	14.60	21.90	21.90	23.72–24.33
London	19.47	19.47	19.47	24.33	21.90	21.90	24.33	30.42	54.75
Steel products (bar iron, sheet iron, wire), per ton of 2,000 pounds:									
Hongkong	3.60	3.60	3.60	3.60	3.60	5.00	10.00	16.00	30.00
Manila	6.00	6.00	6.00	6.00	6.00	8.00	10.00	8.00	10.00
Shanghai	3.60	3.60	3.60	3.60	3.60	5.00	10.00	16.00	30.00
Agricultural machinery per ton of 2,000 pounds:									
Hongkong	8.80–11.00	8.80–11.00	8.80–11.00	8.80–11.00	8.80–11.00	8.80–11.00	8.80–$11.00	8.80–11.00	13.00–35.00
Manila [2]	7.00	7.00	7.00	8.00	8.00	8.00	10.00	10.00	10.00
Textile machinery, per ton of 2,000 pounds:									
Hongkong	6.60	6.60	6.60	6.60	6.60	6.60	6.60	6.60	6.60
Manila [2]	7.00	7.00	7.00	8.00	8.00	8.00	10.00	10.00	10.00
Copper, per ton of 2,000 pounds:									
Hongkong	5.00	5.00	5.00	5.00	5.00	8.00	10.00	8.00	10.00
Manila	5.00	5.00	5.00	5.00	5.00	8.00	10.00	8.00	10.00
London	6.52	6.52	6.52	6.52	6.52	6.52	6.52	6.52	27.17

[1] And up.

[2] Indicates that quotations were on a basis of 40 cubic feet or 2,000 pounds, ship's option.

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Ocean freight rates from Seattle to the Far East and London—Continued.

Commodity and port.	1914.				1915.				Jan. 1, 1916.
	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	Jan. 1.	Apr. 1.	July 1.	Oct. 1.	
Cotton and woolen goods, per ton of 2,000 pounds:									
Hongkong	$7.00	$7.00	$7.00	$7.00	$7.00	$7.00	$7.00	$7.00	.....
Manila [1]	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	$10.00
Boots and shoes, per ton of 2,000 pounds:									
Hongkong	12.00	12.00	12.00	12.00	13.72	13.72	13.72	13.72	15.00
Manila [1]	12.00	12.00	12.00	12.00	12.00	12.00	10.00	10.00	10.00
Leather, per ton of 2,000 pounds:									
Hongkong	15.00	15.00	15.00	15.00	35.00	35.00	35.00	35.00	35.00
Manila [1]	15.00	15.00	15.00	15.00	15.00	15.00	10.00	10.00	10.00
Sewing machines, per ton of 2,000 pounds:									
Hongkong	7.80	7.80	7.80	7.80	7.80	7.80	7.80	7.80	20.00
Manila [1]	8.00	8.00	8.00	8.00	8.00	8.00	10.00	10.00	10.00
Canned salmon, per ton of 2,000 pounds:									
Hongkong	6.00	6.00	6.00	6.00	6.00	6.50	8.00	10.00	12.00
Shanghai	6.00	6.00	6.00	6.00	6.00	6.50	8.00	10.00	12.00
London	9.78	9.78	9.78	9.78	10.87	10.87	21.73	21.73	21.73
OCEAN FREIGHT RATES FROM SEATTLE ON IMPORTS OF COPPER ORE, PER TON OF 2,000 POUNDS.									
Callao	$3.50	$3.50	$4.75	$4.75	$6.00	$6.00	$7.00	$7.00	$7.00
Valparaiso	4.02	4.02	4.02	4.02	3.93	3.93	4.02	6.25	6.25

[1] Indicates that quotations were on a basis of 40 cubic feet or 2,000 pounds, ship's option.

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SAN FRANCISCO—OCEAN FREIGHT RATES.

The committee was unable to get full report of ocean freight rates from San Francisco for reasons stated by the commercial agent of the Department of Commerce in that city in the following communication:

MARCH 11, 1916.

Bureau of Foreign and Domestic Commerce:

Referring to bureau letter of February 2, calling for data on ocean freight rates, and telegram of the 10th instant, stating that such data should be mailed to-day, there is inclosed such meager material as it has been possible to collect to date.

Partial information is given as to rates to Hongkong, Manila, and Shanghai, furnished by the Toyo Kisen Kaisha; to Sydney, Australia, furnished by the Union Steamship Co. of New Zealand (Ltd.); to Copenhagen, Denmark, furnished by the East Asiatic Co. (Ltd.).

There has been no particular disposition to withhold information, except in one case, where the company did not care to go on record at all, but there has been a disposition to promise and not fulfill; parties on whom I had particularly depended failed to supply the desired information, though personal calls were made in addition to written requests. Calls made yesterday, after receipt of telegram from the bureau, brought forth renewed promises of data within a day or so from some of the concerns, but in other cases I was informed that it was simply impossible to get out the information, the general excuse being that it required too much work for an overburdened staff. This is borne out by the fact that several steamship companies are working evenings. Mr. H. E. Moore, traffic manager of W. R. Grace & Co., advised me yesterday that he had been obliged to neglect the ordinary correspondence for the past two weeks because of the great number of telegrams, cables, and conferences claiming his attention.

I had been particularly depending on W. R. Grace & Co. for information as to rates to the west coast of South America. Mr. Moore stated that rates in that direction had not advanced to the extent that they had in other trade routes—that, for example, the old rate of $12 on general merchandise had risen to but $14 per ton.

The Toyo Kisen Kaisha is unable to raise its rates on boats subsidized by the Japanese Government, though seeking authority to do so; on its chartered boats, however, the rates are considerably higher and are quoted only from boat to boat. This applies to the Java-Pacific Line and casual sailings, rates running anywhere from $30 to $60 per ton.

The closing of the Panama Canal is to some extent responsible for the present high rates, as prior to its closing there were more ships available for the Oriental trade; the early opening of the canal will undoubtedly supply more carriers and place rates on a more stable basis, though they will probably remain high for some time to come. Mr. Otto Jelstrup, general agent of the East Asiatic Co. (Ltd.), advises that with the reopening of the canal a fleet of Danish motor ships will touch at San Francisco every three weeks westbound.

Mr. Back, of the Union Steam Ship Co. of New Zealand (Ltd.), in speaking of the difficulty of supplying data for this report, stated that they had offered $115,000 per month for the charter of one steamer and it had been refused, $140,000 being asked. Even at the lower rate it would be necessary for them to get $35 to $40 per ton for freight in order to make any profit.

If the data on charters and rates promised "as soon as we can get at it" and "in a day or so" is received shortly it will be forwarded, though it may be too late for any particular use of the bureau.

The various concerns from whom information is sought will, however, be visited again with hope of results.

E. G. BABBITT, *Commercial Agent.*

TRANSFER OF MERCHANT VESSELS FROM UNITED STATES TO FOREIGN REGISTRY.

The bill provides that vessels purchased, chartered, or leased from the board may not, without the approval of the board, be transferred to foreign registry or flag, or sold. As these vessels will be purchased or constructed with funds furnished by the Government, with the view of increasing the facilities for the extension of our foreign commerce and to provide naval auxiliaries in time of war, they should be under the control of the board, as far as may be necessary to carry

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out that object. The bill does not place any limitations on the right of the owners of other vessels under the American flag to dispose of them as they please in time of peace. The bill does provide, however, that transfer from American registry to foreign registry when the United States is at war, or during national emergency, shall not be made without the approval of the board.

In the 11 months prior to January 22, 1916, the leading maritime nations, possessing over three-fourths of the world's merchant shipping under foreign flags, have passed laws or issued decrees forbidding their citizens or subjects to sell and transfer to the flag of another nation any merchant ship under their respective flags except by a special permit from the Government. Great Britain enacted such a law on February 12, Austria-Hungary issued such a decree on August 27, Denmark on October 8, Germany enacted such a law on October 21, France on November 11, Norway issued a decree on December 6, Brazil on December 9, and Spain promulgated a law on January 9, 1916. The merchant shipping of these countries aggregates 33,900,000 gross tons, out of a total of 43,370,000 gross tons of all foreign nations. Other nations may promulgate similar laws or decrees for the duration of the war, and notice of such laws or decrees may not be received in this country until after they have taken effect.

The imperative need of the creation of a board vested with powers to regulate common carriers by water is given expression in the following letters from the Chamber of Commerce of Porto Rico:

[Camara de Comercio de Puerto Rico, fundada en 1875 y reformada en abril de 1899; San Juan, P. R.; presidente, Don Benito Zalduondo; vice presidentes, Don Eudosio de la Cuetara, Mr. John M. Turner; secretario-tesorero, Don Arturo Carreras.]

DECEMBER 8, 1915.

Hon. WILLIAM G. MCADOO,
Secretary of the Treasury, Washington, D. C.

SIR: We confirm the letter which we had the honor of addressing you on November 19 last, and now take the liberty of inclosing copy of a communication we wrote on the 3d idem to Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs, Washington, D. C.

We are desirous that you become thoroughly cognizant of the serious injury which the steamship monopoly plying out of here is causing our commerce and the export trade of the United States proper, the last exemplification being an arbitrary increase of 150 per cent on Porto Rico sugar destined to the United States.

In addition to this the steamship companies, and more particularly the New York & Porto Rico Steamship Co., have announced publicly that, beginning with January 3, 1916, they purpose making changes in other freights between the United States and Porto Rico. They do not specify the tendency of such changes, but we have received information from private but reliable sources that the same will consist of an increase of 25 to 30 per cent over the already high rates charged.

The most adverse feature from the viewpoint of our trade interests is the fact that having developed a plan—the outgrowth of one year's study and labor—to start our own steamship line at this time, the combine has threatened to wage a relentless and ruinous rate war if we venture to carry our plan into execution.

This is why we feel emboldened to crave the protection of the United States Government, so that our interests may not be left open to the attacks of the steamship monopoly, which, actuated by inordinate greed, seeks to sweep aside all attempts to establish reasonable freights, and why we respectfully petition that a recommendation be made to the Congress to enact legislation regulating the freight rates between Porto Rico and the United States under the supervision of the national Executive.

Such an act of Congress would be the gretatest boon that could be conferred upon the trade element and people of Porto Rico, and the chamber of commerce therefore prays that you will interpose your valuable influence to such end.

We ask you, Mr. McAdoo, kindly to pardon our insistence, but you will admit that in order to procure justice it must be sought through the proper channel.

Please accept our thanks in advance for all that you may do in our behalf.

Respectfully,

[SEAL.] CHAMBER OF COMMERCE OF PORTO RICO,
By B. ZALDUONDO, *President.*

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DECEMBER 3, 1915.

Gen. FRANK MCINTYRE, *Washington, D. C.*

MY DEAR GENERAL: Having heard of your return from the Philippines, I gladly avail myself of the present opportunity to convey to you the most respectful and cordial greetings of the above chamber of commerce,

On different occasions we have written Secretary of Commerce Redfield asking him to bear in mind the urgent necessity of recommending to the present Congress the passage of a legislative measure providing for Government regulation of ocean freight rates between this island and the United States. A promise to the desired effect was made by Secretary Redfield to the committee of the undersigned chamber of commerce, which had the honor of calling on him during February last, and we have no doubt that he will comply therewith.

You will remember the complaints which we filed with the said functionary in Washington at that time. Subsequently we have forwarded considerable corroborative evidence anent the inexplicable rise in ocean freights between here and there for want of regulative legislation.

We are now constrained to submit a new datum, which will undoubtedly sway the national administration in our favor and induce the Secretary of Commerce to include in the Government legislative program a measure governing traffic changes as prayed for.

We have reference to the following:

The agencies of the steamship companies which are operating a carrying service between Porto Rico and the United States have received instructions from their respective head offices in New York to charge 30 cents for every 100 pounds of sugar shipped from this island to the United States. The freight charged up to this time is 12 cents, and in corroboration of our statement we are prepared to furnish the United States Government signed contracts entered into by and in the possession of several shippers of sugar based on a consideration of 12 cents for every 100 pounds.

The island of Porto Rico will produce during the present crop at least 3,000,000 sacks of sugar containing 250 pounds each. Of this output about 2,000,000 sacks will go to the United States. With the freight at 30 cents per 100 pounds, the carriage of each sack will cost 75 cents, as against 30 cents paid at present. So that, reckoning the increase of 45 cents a sack on 2,000,000 sacks, we find our trade balance will be reduced by $900,000, which will go to swell the coffers of the monopolizing steamship companies plying out of here, to the grave detriment of this unfortunate island.

This chamber of commerce submits that it is neither equitable nor lawful that ocean carriers should be allowed to raise the freight of a staple product like sugar 150 per cent at 24 hours' notice and such high procedure on their part is made possible only by the lack of adequate and necessary legislation for the regulation of freights.

The commerce of the United States is safeguarded by the interstate commerce act, which provides for and creates a commission to enforce the regulation of interstate freights. But Porto Rico, which is included under the coastwise regulations, does not enjoy the benefits of this or any other analagous act, and, on the other hand, is deprived of the advantages accruing to freight carried in foreign bottoms. It is thus left naked to the machinations of the steamship combine which controls our traffic and divested of means to neutralize the disastrous effects resulting therefrom.

In view of the foregoing, this chamber of commerce respectfully and earnestly petitions Gen. McIntyre and the Secretary of Commerce, as well as the other officials of the national administration, to recommend to the present Congress the passage of appropriate legislation authorizing Government regulation of freight rates and of other conditions affecting the transportation trade between this island and the United States.

For the past 12 months we have been urgently petitioning your bureau and the Secretary of Commerce to recommend the adoption of such legislation, and we refuse to believe that compliance with our just request will be longer deferred.

You are at liberty to refer this letter to Secretary of Commerce Redfield or to any other Government official, and we respectfully invite and confidently hope for your valuable cooperation in support of the petition of this chamber of commerce in furtherance of the general interests of the island of Porto Rico.

Respectfully,

CHAMBER OF COMMERCE OF PORTO RICO,
By B. ZALDUONDO.

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NAVAL RESERVE FORCE.

The committee regard the provision for naval reserve force of very great importance from the standpoint of national defense.

The officers and crews of vessels listed by the Secretary of the Navy as vessels of the United States naval auxiliary reserve, who volunteer for that purpose, may be enrolled as such naval reserve force under regulations prescribed by the Secretary of the Navy.

This provision is intended to articulate with a provision in a bill which we understand is now being considered by the Committee on Naval Affairs, providing for a United States naval auxiliary reserve.

In the event of any public emergency not only the vessels provided for in the bill may be taken over as naval auxiliaries, but provision will be made for crews for such vessels.

THE NEED OF A MERCHANT MARINE IN OUR FOREIGN TRADE.

It is not claimed for this bill that it provides for an adequate merchant marine in the foreign trade. That need will not be adequately supplied until we have not less than seven to ten million tons of shipping under the American flag engaged in the overseas trade. It will take years of intelligently directed effort to provide such a fleet of merchant ships.

If we would provide foreign markets for the surplus of our factories, mines, and farms and would compete on equal terms with foreign nations for such markets we must provide our own transportation facilities. The warehouse and railroad terminals on our seaboards are congested with commodities for export. Ocean freight rates have increased in many cases to a prohibitive degree, and in other cases vessels are not available at even the enormous rates shippers are willing to pay to move their commodities.

WAR LOSSES OF SHIPPING.

The following tabulation is compiled from the report of Commercial Attaché A. H. Baldwin at London from a statement of Mr. Archibald Hurd on the world shipping losses, published in daily Commerce Reports of March 20, and covers losses down to January 22, 1916; and from the report of the French Society of Shipbuilders (Société des Armateurs des France), covering the merchant vessels of belligerent nations held in ports of the world to avoid capture. The heavy tonnage destroyed by submarines, of course, is due to the number of very large passenger ships thus destroyed. The submarine attacks have been very destructive within the past few weeks and the total tonnage destroyed accordingly would probably now equal fully 2,250,000 gross tons. Following is a summary of actual losses up to January 22:

Destroyed or seriously damaged.

	Gross tons.
By submarine torpedoes, 431	1,212,785
By other war causes, 347	915,663
Grand total, 805	2,128,448

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Following are condensed statements of the effects of the war upon the shipping of the two belligerent groups and the neutral group of nations:

MERCHANT SHIPS OF THE ALLIES.

On June 30, 1914 (Lloyd's Register), the merchant shipping of the Allies comprised the following:

	Number.	Gross tons.
British	11,328	21,045,049
Belgian	182	352,124
French	1,576	2,319,438
Italian	1,160	1,668,296
Japanese	1,103	1,708,386
Russian	1,254	1,053,818
Total	16,603	28,147,111

Merchant ships of the Allies in German, Austrian, and Turkish ports number 143 of 225,802 gross tons.

The Germans and Austrians have sunk or seriously damaged by submarine attacks 330 merchant ships of the Allies of 1,065,869 gross tons. German cruisers, mines, and explosions, have sunk or seriously damaged 179 merchant ships of the Allies, of 495,922 gross tons; total casualties, 509 ships of 1,561,791 gross tons.

GERMAN AND AUSTRIAN MERCHANT SHIPS.

On June 30, 1914 (Lloyd's Register), the merchant shipping of Germany and Austria-Hungary comprised the following:

	Number.	Gross tons.
Austro-Hungarian	445	1,055,719
German	2,388	5,459,296
Total	2,833	6,515,015

On account of the war German and Austrian ships are now in port to avoid capture, and except to a small extent on the Baltic are not engaged in trade as German ships. Their location is—

	Number.	Gross tons.
In neutral ports	763	2,877,244
In allied ports	627	1,420,236
Total	1,390	4,297,480

A considerable number of those in allied ports are in trade under allied flags, either having been condemned as prizes or being requisitioned by the Allied Powers.

The Allies have sunk very few German and Austrian merchant ships (54 of 124,018 gross tons, not including a few converted commerce destroyers, cruisers, e. g., *Cape Trafalgar* and *Kaiser Wilhelm der Grosse*).

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The remainder, aggregating about 2,000,000 gross tons, are in German or Austrian harbors (no account, of course, is taken of Turkish or Bulgarian merchant ships).

Of the German and Austrian ships lying in neutral ports to avoid risk of capture 95 such ships of 628,837 gross tons are in American ports, and 44 of 217,061 gross tons in Brazil.

NEUTRAL MERCHANT SHIPS.

On June 30 the merchant shipping of neutral nations numbered 11,400 of 14,427,426 gross tons. Of this number, 101 of 146,916 have been sunk or seriously damaged by submarines, and 114 of 295,723 gross tons sunk or seriously damaged by other war causes. The allied navies have captured 52 of 98,833 gross tons, and the German navy has captured 469 of a tonnage not stated, mainly small vessels in the Baltic and along the German coast. Many neutral vessels captured by both belligerents have been released and some condemned as prizes, but the figures are not at hand.

UNITED STATES VESSELS REGISTERED FOR FOREIGN TRADE AND BUILDING FOR SUCH TRADE.

The number of vessels registered for foreign trade January 1, 1916, was 2,913 of 2,000,778 gross tons.

The number of vessels admitted to American registry under act of August 18, 1914, up to May 8, 1916, was 180 vessels of 617,183 gross tons.

The number of vessels of all kinds now being built in American shipyards May 1, 1916, is 363 vessels of about 1,125,000 gross tons. It is not known how many of these vessels will be registered for the foreign trade, but probably more than 50 per cent.

The Washington Post of May 2, in a very able editorial, entitled "The Foreign Trade Suffering for Lack of an American Merchant Marine," reviews the situation in forceful language, from which we quote the following:

The falling off in value of exports from the United States, as evidenced during the past three weeks, is directly chargeable to lack of available ocean tonnage to transport the freights offered.

The prolongation of the congestion of freights at our railway terminals is likewise largely owing to the same shortage of vessels.

The farmers lose in prices of their products through this embargo upon shipments of the grain and other commodities derived from the lands.

The planters lose by reason of the limitations upon shipments of cotton, sugar, and rice.

The miners and the mine owners would be doing far better if the vessels could be provided to transport the coal, the iron, the steel, the copper, the zinc, the lead, and other metals and minerals of the United States.

The merchants, the bankers, and the manufacturers would all be benefited by the placing of additional vessels upon the trade routes over which the foreign trade of the United States is transported.

The masses of the people. the industrial workers of the skilled and unskilled labor of this Republic, would all be benefited by expansion in volume and value of our exports, and that expansion would be enormous if the country had its merchant marine and the administration firmly demanded and strenuously maintained the freedom of the seas for our commerce.

The foreign commerce of the United States is contracted, limited, narrowed, compressed, and the administration fails to clear the seas to our flag and our trade

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and the Congress fails to provide the country with the merchant marine that the Republic absolutely needs, and every Member of the Senate and every Member of the House is fully aware of the injury being done by the want of vessels.

It is not a partisan question, and yet the country is permitted to suffer by reason of the inaction of certain elements in both of the leading parties.

Private capital has not provided that marine; it will never provide such a marine as the huge trade of this nation requires with its own cash. Private capital should be fairly treated, reasonably treated, encouraged by concessions to engage in this establishment of a merchant marine, paid for engaging in, if necessary; but when it receives the cash of the people of the United States for that purpose it should agree to the regulation of routes and rates by the United States Government, through which the people will pay these vessel owners and vessel controllers the cash for serving the people. The central idea, the vital point, that this marine is to be established for the benefit of the great commercial, industrial, and producing interests, for the benefit of the great majority of the people of the United States, should not for one moment be overlooked by the legislators of the Nation.

The shipping interests are but the means through which these benefits must be made to accrue to the people. They are to be benefited, too, and should be guaranteed from loss while under governmental control of routes and rates, but they should be regarded as public utilities to serve the people of the United States, and when recipients of governmental aid they should be under governmental control of rates and routes.

Recently Admiral Baron Charles Beresford is quoted in the press as calling the attention of the House of Lords to the depletion in the tonnage of British ships needed for trade purposes, asserting that unless it were remedied it would endanger the supply of food, and asking the Government to consult the labor leaders with a view of obtaining more labor for shipbuilding.

In reply Earl Curzon said, "The Government is now administering the whole British mercantile marine, amounting to half the gross tonnage of the world. Forty-three per cent of the British tonnage, [he added] has been requisitioned for naval and military purposes, 14 per cent is occupied in carrying foodstuffs and raw material in behalf of the Government and its allies, and the remaining 43 per cent is being operated by British shipowners under State regulations."

In this connection it may be interesting to call attention to an excerpt from the London Economist of November 13, 1915:

In future the government may requisition for the carriage of grain and other merchandise any ship registered in the United Kingdom, and after December 1 no British ship of over 500 tons may carry cargo from one foreign port to another without first obtaining a license from a committee in London. All British shipping is liable to be requisitioned for commercial purposes. All trade in British bottoms between foreign ports is to be under direct government control.

The provisions of the bill creating a Federal shipping board with power to investigate and report to Congress regarding our navigation laws, and their effect on the development of our merchant marine, and to have full jurisdiction under the law in all matters pertaining to overseas transportation, including the provisions abolishing deferred rebates, and providing for supervision of rates by such board, with the requirements for filing with the board schedules of rates and all agreements among overseas commerce, have the approval of the Chamber of Commerce of the United States.

While this distinguished body of business men favor some form of subsidy or subvention to American shipping in the overseas trade, and particularly subventions to mail lines, such legislation is not pressed at this time for the good and sufficient reason that ocean rates are now almost prohibitive and all vessels at all suitable to our overseas trade are earning enormous dividends on their investments.

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Representatives of the National Grange and Farmers Unions appeared before the committee and approved this legislation. The Federation of Labor and seamen's union have by resolutions in national convention approved this legislation.

We believe this bill should speedily be enacted into law, as it will create a shipping board charged with the duty of supervising and fostering our merchant marine. It will provide from 500,000 to 700,000 tons of merchant vessels to serve in the development of our foreign trade; in the event of war, a naval auxiliary manned by a naval auxiliary force. It provides for the reasonable regulation of common carriers by water in foreign and interstate commerce. It has been framed with the view of encouraging, not to discourage, private enterprise in construction and operation of vessels under the American flag. While shipyards are now busy in new construction, we have good reason to believe their facilities will be increased and a new record set in speed and skill in shipbuilding in American shipyards.

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34TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 659, Part 2.

CREATING A SHIPPING BOARD, A NAVAL AUXILIARY, A MERCHANT MARINE, AND REGULATING CARRIERS BY WATER ENGAGED IN THE FOREIGN AND INTERSTATE COMMERCE OF THE UNITED STATES.

MAY 12, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, submitted the following

MINORITY VIEWS.

[To accompany H. R. 15455.]

The undersigned members of the Committee on the Merchant Marine and Fisheries are unable to agree with the majority report, No. 659. An earnest effort to frame a bill that would command the unanimous support of the committee having failed, the minority submit this statement with respect to some of the vital features of the bill as reported with the reasons supporting their conclusions.

BASIC THEORY ERRONEOUS.

In the proposal to create a board to be known as the United States shipping board all concur; but the limitations upon its powers occasion irreconcilable views. The section is especially commended wherein provision is made for investigation and report by such board of the relative cost of building merchant vessels in the United States and in foreign maritime countries, the relative cost, advantages, and disadvantages of operating in the foreign trade vessels under United States registry and under foreign registry, and for examination of the navigation laws of the United States and the rules and regulations thereunder, and recommendations to Congress with . spect thereto. Unfortunately, however, these contemplated duties are made matters of secondary and incidental consideration in the bill, while its primary objects would invest the board with extraordinary functions and powers, experimental in their nature, to be exercised at the arbitrary behest of the Government in advance of the beneficial information contemplated by such investigation and report, and irrespective of any violence that may be worked thereby in the meantime upon sound principles of maritime policy. It is submitted that remedies

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may not be safely determined or applied until after diagnosis. Nevertheless, in the present case it is proposed to attempt a cure at once in a given way and to ascertain the nature of the disease at leisure. To that speculative method of proposed legislation we interpose our protest.

SHALL AMERICAN SHIPS BE BUILT IN AMERICAN YARDS OR "ELSEWHERE"?

Section 5 of the bill is as follows:

SEC. 5. That the board, with the approval of the President, is authorized to have constructed and equipped in American shipyards and navy yards or elsewhere, giving preference, other things being equal, to domestic yards, or to purchase, lease, or charter vessels suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes.

Under this section the issue is clearly raised whether the United States shipping board, if created as proposed, shall be authorized by Congress to construct and equip merchant vessels in foreign lands, in the event conditions are found to be in any wise unequal as between domestic and foreign shipyards; and whether under such conditions the board shall be authorized to expend for that purpose the $50,000,000 appropriated, or such portion thereof, as it may in its discretion deem advisable. There is here proposed not only an express grant of authority for such expenditure, but the implication is, furthermore, manifest and absolute that no preference shall be indulged or exercised by the board in behalf of domestic yards unless it concurrently and affirmatively appears as a condition precedent that "other things" are "equal." Such a policy and precedent may well engage the serious concern of those who legislate for the American people. If the Government should launch into the shipping business, it should at least launch no other than American-built ships, built by American labor and constructed from American materials. The expenditure of the people's money where it can not circulate among them is as repugnant to a sense of fairness as it is to the principles of sound public policy. The provision complained of is not an essential element in the general scheme presented by the bill, and the refusal to eliminate it can not be accounted for except on the ground of adherence to a general theory regardless of the effect of its application.

SHIPBUILDING.

The increased demand for vessels has stimulated enormously the shipbuilding industry in the United States. The capacity of existing yards is being increased, and new yards are planned and projected. On the 1st day of July, 1915, there were 76 ships in course of construction in American yards. On April 1, 1916, there were 360 building, and the tonnage under construction increased during the nine months from 310,089 to 1,067,856. The shipbuilding capacity of existing domestic yards is overtaxed, and there seems no limit to which private capital will not go in the expansion of the industry if it meets with any reasonable encouragement. Great Britain, France, Germany, Austria-Hungary, Sweden, Norway, Brazil, and other

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maritime nations have prohibited the transfer of any of their tonnage now afloat to a foreign flag. All available tonnage is in use and little, if any, is subject to purchase, and certainly none can be bought at any reasonable price. Whatever relief is to come in the near future will be afforded by private enterprise. The consensus of opinion of the witnesses before the committee is that no new ships that may be now contracted for can be delivered in less than from two to two and one-half years.

GOVERNMENT OWNERSHIP AND OPERATION.

The general view was repeatedly expressed at the committee hearings by representative shippers, steamship operators, and others eminently qualified to speak on the subject that the entrance of the Government into the ownership and operation of merchant vessels will have a deterrent effect upon the construction of tonnage, and that the number of vessels it will be possible for the Government to build or purchase will be so few that they will not equal the loss of tonnage which would otherwise accrue through the exercise of private initiative and the development and expansion of privately owned shipbuilding industries. We maintain that the gratifying revival of the shipbuilding industry, now happily at hand, should receive every possible encouragement at the hands of the Government in a cooperative way with a view to building up a permanent merchant marine, but that the attempt to accomplish that result in the way proposed would prove abortive and destructive. And this is true under the modified plan limiting operation to a definite period because the Government, having once embarked upon the sea in a competitive way, there can be no reliable assurance that the limitation will not be removed and the enterprise be continued indefinitely. With that contingency existing as an unknown quantity, the modification is without practical effect.

It has been suggested that the increasing and developing activity in domestic yards, notwithstanding the pendency of the proposed legislation for some months, negatives the idea that its provisions are regarded as a menace. If American trade afforded the sole demand for tonnage there might be some force in that contention; but the fact is that there is an unlimited foreign demand as well, and that the builder assumes no risk, because if he fears the operation of the provisions of this bill, in case it is enacted into law, he may readily avoid American registry, since foreign trade and foreign registry afford him a standing invitation and a ready market for any tonnage he may wish to sell. This situation has equal application and force when viewed in connection with the subject of the restrictive legislation hereinafter considered.

The question that ought to have been presented by this bill is, how to guarantee investors some promise of permanent protection in the merchant-marine business on equal terms with foreign competitors. In other words, it should seek to afford governmental cooperation rather than to provide governmental competition. What it does do is to provide for an instrumentality on the part of the Government to engage in the business of operating merchant vessels in a certain contingency, and it confers the necessary authority to give that provision

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effect. Whether the contingency on which the exercise of such authority be near or remote is of little consequence, because the uncertainty exists, doubt and fear of private competition attach thereto, and ordinary prudence, regarding as certain that which can be made certain, the authority to proceed on the happening of a contingency is as potent a bar to private initiative as an express declaration of intention to proceed.

The field of operation of the proposed vessels, in the event of Government operation by the corporations authorized for that purpose, is in no way defined. Since lines have been established through private enterprise to ports offering inducement for profitable operation, it follows that the operation of Government vessels would necessarily be brought in direct competition with those privately owned. If, however, it be contended that the Government will establish and develop new lines in fields where private enterprise has not ventured, the conclusion is irresistible that such attempt on the part of the Government would necessarily result in a loss at public expense, for the reason that it is generally conceded that Government enterprises can not be conducted on as profitable a basis as those privately maintained.

The bill authorizes holding companies with an aggregate capital not exceeding $50,000,000, and in this connection it provides in terms as follows:

> The board may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of any such corporation, and do all other things in regard thereto necessary to protect the interests of the United States and to carry out the purposes of this act.

In view of the express reservation of Government control over the vessels of the proposed corporations by a Government agency, the question whether the status of such merchant vessels would not be such as to render the Government liable to the responsibilities of neutrality which, under international law, are charged upon the sovereign, presents itself as one of vital moment. Irrespective of all other considerations, it is submitted that in the absence of convincing assurance that the Government interests and control would not involve such responsibilities, the procedure thus contemplated is one at least of doubtful wisdom.

By the title of the bill, among other things it is proposed to create "a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its territories and possessions and with foreign countries"; but the terms do not square with the title. By section 5 the vessels contemplated are to be "suitable, as far as the commercial requirements of the marine trade of the United States may permit, for use as naval auxiliaries or Army transports, or for other naval or military purposes." Thus the provision for naval auxiliaries or Army transports is subordinate to commercial use, while the requirements for naval and military purposes are such as to commend them to primary consideration. The vessels should be for use as naval auxiliaries or Army transports, or for other naval or military purposes, suitable as far as practicable for the commercial requirements of the marine trade of the United States.

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RESTRICTIONS.

An examination of the bill will disclose an exhaustive method provided for the supervision and regulation of common carriers by water in both interstate and foreign commerce. We agree with the majority that in order to insure fair dealing on the part of those engaged in the shipping business such supervisory powers should be conferred upon the board as to enable it to prevent the continuance of any unfair or unjust practices that may be employed by common carriers by water. Having regard to existing conditions and the objects sought, we do not deem it necessary, expedient, or wise at this time to invest the board with the extraordinary and unusual powers as proposed. At a time when capital is seeking investment in American shipping and many new operating companies are being formed, with a view to engaging in the ocean-carrying trade in all parts of the world, a condition for which our producers and shippers have waited long, it is an unsafe policy, and an unnecessary one in the face of a rising tide of competition, to extend the regulatory powers of the board to such a point as to prohibit the making of contracts of such a nature as are now customary in the ordinary course of business, or to cast doubt and uncertainty upon the scope and extent of legitimate transactions. The conferring of such authority could well be deferred until the board ascertains from practical experience whether it deems it necessary. It should at least be deferred until after the board makes recommendations to Congress in the light of its survey of the changed conditions which have arisen since the investigation of shipping combinations by our committee was made.

Note, for illustration, the following provision of the fourth subdivision of section 15: "Make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered." The determination of the question whether a given contract falls within this provision, or contravenes its terms, rests with the board. The uncertain and indefinite standard thus set up must be interpreted by that body—a standard concerning which men actuated by the highest and purest motives may reasonably differ. It is a commendable standard in theory but ill-advised now in practice in view of the effort to induce shipbuilding and to encourage marine business. A penalty of $25,000 may attach to a violation of this single provision. We are not prepared to agree that such a provision will be conducive to the development of an American merchant marine. Securing freight in making up cargoes and adapting it to the capacity of ships presents a variety of circumstances which requires a corresponding adaptation of rates. Contracts based on these conditions involve not infrequently the line between profitable and unprofitable operation. There can be no reasonable doubt that the fear of an adverse construction of such contracts in the application of the section to the transactions under them, and consequent legal controversies, would not inspire confidence on the part of those who seek to enter into the shipping business, nor would it inure to the benefit of the shipper or producers. Conditions the reverse of these are essential to the development of a merchant marine.

Other similar provisions might be pointed out which will involve interpretation and inspire a feeling of doubt and uncertainty. Such course should now be taken as will aid in the creation of American

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tonnage. When that is at hand all interests will have been adequately protected and served, if at this time a shipping board is created with power, so far as regulations are concerned, to prevent deferred rebates, fighting ships, and unfair or unjust practices.

The maze of difficulties involved in the practical application of the minute regulatory provisions of the bill will embarrass the board and the operators of vessels and cripple the usefulness of both.

Two-thirds of the world's commerce is carried by tramp steamers. It is not contended that they will be subject to the act. It is not only unwise but it is unfair to burden the minor fraction of our carrying trade, which it is sought to develop and expand, with restrictions under which it can not compete with the tramp service.

We submit the following extracts from testimony offered at the hearings.

From the statement of P. A. S. Franklin, of New York, receiver of the International Mercantile Marine and president of the Atlantic Transport Co.:

Mr. FRANKLIN. * * * We feel that the board should have no general rate-making power; that the conditions in the foreign trade are such that if this power is delegated to them it will be more disadvantageous to the shippers than to the steamers. We feel that the board's power should be limited to adjusting any discrimination between shippers or any injustice to the American shipper versus the shipper from another country to a similar market; that the board should not have any general rate-making power.

Mr. BRUCKNER. Why not, Mr. Franklin?

Mr. FRANKLIN. Because the conditions surrounding commerce with the foreign countries are absolutely different from those covering the railroads or any other trade that comes solely under the jurisdiction of any one government. Your merchants in this country are in competition with the merchants of the world. If the United States puts any burdens upon its shipping that other countries do not, the ships will not come to the United States. The United States has not sufficient ships to carry its own commerce by long odds. It must attract ships from all over the world and from the commerce of the world. Now, if you make a maximum rate that is lower than the maximum rates from other countries, the ships will go to the other countries. The very fact that you have a rate-governing power will drive ships from your trade. Rates in the foreign trades ebb and flow very rapidly. They fluctuate from day to day. They are sometimes increased or decreased three times a day.

And again:

Mr. FRANKLIN. If you have a commission and put before that commission the facts first by the man who has made the sworn complaint and then by the steamship lines against whom the complaint has been made, you have the various facts by which it can be clearly demonstrated whether they are right or whether they are wrong. The commission can then weigh whether or not there has been a discrimination. Now, when you attempt to make a reasonable rate, a rate that might be reasonable to-day would be absolutely unreasonable two weeks from now, and if made as a reasonable rate to-day might be detrimental to the shipper two weeks from now more than to the steamer, because the steamer would not be protected then by that rate and the steamer would go elsewhere for its business. If you were like the railroads, if you had sufficient capacity to carry your whole traffic yourselves, if you controlled your whole traffic yourselves, you would have a different proposition. But you are competing with the merchants of the world and your merchants are competing with the other merchants for the ships.

From statement of J. Parker Kirlin, lawyer, of New York City, engaged in the practice of admiralty and maritime law:

Mr. KIRLIN. * * * Now, while we entertain no doubt about the authority of Congress to make these regulations, we think that the circumstances under which we find ourselves at present, and so far as we can see, are likely to find ourselves upon the conclusion of peace, are not such as really call for such specific, detailed, and extensive regulations. I hear a great deal in the ordinary course of business about legislation in relation to the shipping trade. I hear it from importers, shippers,

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consignees, shipping agents, shipowners, from persons who are desirous of investing in shipping property, and from banks which would like to market the securities that might, with a very little legislation, be made very attractive for investment. The consensus of opinion that I hear—and I do not speak alone of New York, because my business takes me into other regions along the seacoast and the Gulf—is that any regulation that is put on shipping at the present time is going to react against shippers.

And speaking of tramp steamers, Mr. Kirlin says:

Now, a man who has one ship may be a common carrier, or a man who has a dozen ships may not be a common carrier at all, depending upon the manner in which the ships are operated. Nine-tenths of the tramp tonnage of the world that comes into our ports does not operate here as a common carrier nor sustain the relations of a common carrier to American shippers. Such ships generally are bailees for hire; or, as the law calls them, special carriers. As this bill now stands the board would not have the slightest control or power over the tramp steamers that come here, unless they go on the berth and are offered generally to receive the goods of all shippers. So that if you have in mind the enactment of regulations that will include more than 30 per cent of the carriers that visit our ports you will have to make a different definition.

And he further states:

Mr. KIRLIN. Such ships would be subject to the liabilities of a special carrier or bailee; that is, they would be liable for negligence, but not under an insurer's liability as a common carrier. Now tramps do not come to New York, your committee should bear in mind, and make their engagements here. Tramp steamers make their engagements in the great chartering markets of the world. Before a tramp steamer would come to this country at all it would have been chartered, in time of peace, either in London or Hamburg or Rotterdam. The agreement would not be for the business of a common carrier at all. It would be one of two things, either an agreement to furnishing the space of the ship to one person for a lump sum, or an agreement to carry grain at so much a quarter, or coal at so much a ton. That agreement would not be made here at all; the only transaction under it that would take place here would be the loading of the cargo.

The CHAIRMAN. That kind of carrier does not come within the provisions of this bill.

Mr. KIRLIN. No. Now, how are you going to regulate the rates on one-third of the tonnage of the world, which makes its rates at the dock, with the shipper who brings his goods there, when the rates for two-thirds of the tonnage of the world are made in foreign ports?

The bill can afford no present relief to shippers. It can, and we believe if enacted in its present form it will, work immediate and lasting injury. It is experimental in its nature. No other maritime nation has hedged its merchant marine with restrictions such as are proposed in this bill, nor has any great foreign power undertaken the construction or operation of ships, with the single exception of Brazil, and the line which she owns was taken over for a debt. This line never earned operating expenses, at least prior to the present European war. If our policy in the past had been to purchase vessels in the cheapest market, as is now proposed, we would not have to-day a private shipyard on the Atlantic or Pacific, and the 360 ships now building in this country would be under construction, if at all, in foreign yards.

We can not subscribe to the proposal to expend $50,000,000 of public funds in the way contemplated. While intended to further the public interest we are of the opinion that such expenditure would work a public injury.

WILLIAM S. GREENE.
ASHER C. HINDS.
C. F. CURRY.
G. W. EDMONDS.
WILLIAM A. RODENBERG.
GEORGE A. LOUD.
LINDLEY H. HADLEY.
FREDERICK W. ROWE.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 661.

POSTAL SAVINGS SYSTEM.

MAY 10, 1916.—Ordered to be printed.

Mr. MOON, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 562.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the title of the bill, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter inserted by the amendment of the Senate insert the following:

Sec. 2. That postal savings funds received under the provisions of this act shall be deposited in solvent banks, whether organized under National or State laws, and whether member banks or not of the Federal Reserve System established by the act approved December twenty-third, nineteen hundred and thirteen, being subject to National or State supervision and examination, and the sums deposited shall bear interest at the rate of not less than two and one-fourth per centum per annum, which rate shall be uniform throughout the United States and Territories thereof; but five per centum of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, authorized by act of Congress or supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand. The funds received at the postal savings depository offices in each

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city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion to the capital and surplus of each such bank) willing to receive such deposits under the terms of this act and the regulations made by authority thereof: Provided, however, if one or more member banks of the Federal Reserve System established by the act approved December twenty-third, nineteen hundred and thirteen, exists in the city, town, village, or locality where the postal savings deposits are made, such deposits shall be placed in such qualified member banks substantially in proportion to the capital and surplus of each such bank, but if such member banks fail to qualify to receive such deposits, then any other bank located therein may, as hereinbefore provided, qualify and receive the same. If no such member bank and no other qualified bank exists in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this act in the bank most convenient to such locality. If no such bank in any State or Territory is willing to receive such deposits on the terms prescribed, then such funds shall be deposited with the treasurer of the board of trustees and shall be counted in making up the reserve of five per centum. Such funds may be withdrawn from the treasurer of said board of trustees, and all other postal savings funds, or any part of such funds, may be at any time withdrawn from the banks and savings depository offices for the repayment of postal savings depositors when required for that purpose. If at any time the postal savings deposits in any State or Territory shall exceed the amount which the qualified banks therein are willing to receive under the terms of this act, and such excess amount is not required to make up the reserve fund of five per centum hereinbefore provided for, the board of trustees may invest all or any part of such excess amount in bonds or other securities of the United States. When, in the judgment of the President, the general welfare and interests of the United States so require, the board of trustees may invest all or any part of the postal savings funds, except the reserve fund of five per centum herein provided for, in bonds or other securities of the United States. The board of trustees may in its discretion purchase from the holders thereof bonds which have been or may be issued under the provisions of section ten of the Act of June twenty-fifth, nineteen hundred and ten. Interest and profit accruing from the deposits or investment of postal savings funds shall be applied to the payment of interest due to postal savings depositors, as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury of the United States as a part of the postal revenue: Provided further, That postal savings funds in the treasury of said board shall be subject to disposition as provided in this Act, and not otherwise: And provided further, That the board of trustees may at any time dispose of bonds held as postal savings investments and use the proceeds to meet withdrawals of deposits by depositors. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the District of Alaska, and Porto Rico, and the word "bank" shall be held to include savings banks and trust companies doing a banking business.

Sec. 3. That the Postmaster General, in cases of emergency, between October first and April first of any year, may hereafter return to

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the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

Sec. 4. That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and the weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal, or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the Act of Congress approved March third, nineteen hundred and five, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than ninety, as the Postmaster General may direct: Provided further, That readjustments from July first, nineteen hundred and thirteen, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March twenty-fifth, nineteen hundred and thirteen.

Sec. 5. That so much of section four of "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes," approved August twenty-fourth, nineteen hundred and twelve, as provides that no adjustment shall be made unless the diverted mails equal at least ten per centum of the average daily weight on any of the routes affected is hereby repealed.

Sec. 6. That section thirty-nine hundred and forty-nine of the Revised Statutes be amended to read as follows:

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: Provided, however, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

Sec. 7. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for

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inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

Sec. 8. That whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: Provided, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor.

Sec. 9. That if any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: Provided, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor.

Sec. 10. That the Act of March fourth, nineteen hundred and nine (Thirty-fifth Statutes, page eleven hundred and twenty-six), be amended to read as follows:

"That whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years."

Sec. 11. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: Provided, That no article or package exceeding four pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the Acts of June eighth, eighteen hundred and ninety-six (chapter three hundred and seventy, Twenty-ninth Statutes, page two hundred and sixty-two), and June twenty-sixth, nineteen hundred and six (chapter thirty-five hundred and forty-six, Thirty-fourth Statutes, page four hundred and seventy-seven).

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Sec. 12. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office: Provided, That when practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe.

Sec. 13. That section two of the Act of April twenty-eighth, nineteen hundred and four (chapter seventeen hundred and fifty-nine, Thirty-third Statutes, page four hundred and forty), be amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails, without postage stamps affixed, quantities of not less than three hundred identical pieces of third-class matter and of second-class matter and two hundred and fifty identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: Provided, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

Sec. 14. That the Act approved January twenty-first, nineteen hundred and fourteen (Thirty-eighth Statutes, page two hundred and seventy-eight), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, be so amended as to include Navy mail clerks and assistant Navy mail clerks.

Sec. 15. That hereafter the Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding two years.

Sec. 16. That on and after July first, nineteen hundred and sixteen, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to $1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall, in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly.

Sec. 17. That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

And the Senate agree to the same.

JOHN A. MOON,
D. E. FINLEY,
H. STEENERSON,
Managers on the part of the House.

J. H. BANKHEAD,
E. D. SMITH,
CHARLES E. TOWNSEND,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House make the following written statement in explanation of the action agreed upon by the conference committee submitted in the accompanying conference report:

Page 2, section 2, line 10: The words "a reserve bank created by the Federal Reserve" have been stricken out and in lieu thereof the following inserted: "the Federal Reserve System established by the." This change was made in order to give the Federal Reserve System its accurate title.

Page 3, lines 7 and 8: The words "a reserve bank created by the Federal reserve act" have been stricken out and in lieu thereof the following inserted: "the Federal Reserve System established by the act." This change was made in order to give the Federal Reserve System its accurate title.

Page 4, lines 6 to 12: So much as relates to the investment of postal savings funds is stricken out and in lieu thereof provision is made that when the banks in a State refuse or are unable to accept postal savings deposits originating in that State and the deposits are not needed to make up the 5 per cent reserve fund the board of trustees are empowered to invest such funds. The authority conferred upon the President to direct the investment of postal savings funds when, in his judgment, the general welfare and interests of the United States so require is continued in the exact terms of the original postal savings act.

This section also modifies the present laws in two other important respects. At present only member banks of the Federal Reserve System are eligible to receive postal savings deposits. Postal savings deposits under this section as agreed upon may be made in both member and State banks, but preference is given to member banks. If, however, a member bank in a community is unwilling to accept the deposits, or if there is no member bank in that locality, a State bank may qualify as a postal-savings depository and receive the funds.

Under present laws the board of trustees are authorized to accept only bonds or other securities supported by the taxing power as security for postal-savings deposits. The bill agreed upon goes further by authorizing the board of trustees to accept as security for postal-savings deposits not only bonds or other securities supported by the taxing power, but also bonds or other securities authorized by act of Congress.

Section 3: Entire section stricken out.

Section 4: Entire section stricken out.

Reason: Both sections are embraced in the Post Office appropriation bill (H. R. 10484) which passed the House February 28, 1916. If adopted would require an appropriation to carry out provisions.

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The conference committee agreed to the Senate amendment without change as embraced in the following sections, all of which are included in the Post Office appropriation bill which passed the House February 28, 1916.

Section 5, now numbered section 3: Provides for the transportation of mail bags in mail trains at railroad mail rates.

Section 6, now numbered section 4: Provides for the substitution of weights of mails for weights not taken or omitted.

Section 7, now numbered section 5: Provides for readjustment of pay for diversions of mail.

Section 8, now numbered section 6: Provides for star-route service under special conditions.

Section 9, now numbered section 7: Provides for transportation for star-route service, when in the judgment of the Postmaster General bidders enter into combination to fix rates.

Section 10, now numbered section 8: Provides for temporary star-route service on account of failure of contractor or carrier to perform service.

Section 11, now numbered section 9: Provides for payment to carrier when contractor for star service fails to pay.

Section 12, now numbered section 10: Provides for protection of letter boxes.

Section 13, now numbered section 11: Provides for limit of weight of mail matter.

Section 14, now numbered section 12: Provides for use of precanceled postage stamps.

Section 15, now numbered section 13: Provides for mailing of a number of identical pieces of third or fourth class mail matter without affixing postage stamps.

Section 16, now numbered section 14: Amends act approved January 21, 1914, authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, etc., and includes Navy mail clerks.

Section 17, now numbered section 15: Provides that the Postmaster General may enter into contracts for conduct of contract stations for the term of two years, instead of four years, as proposed.

Section 18 was stricken out: Provided for nonaccounting offices.

Section 19, now numbered section 15: Provides for advancement of fourth-class offices.

Section 20, now numbered section 17: Provides for repeal of all laws in conflict with provisions of this act.

JOHN A. MOON,
D. E. FINLEY,
H. STEENERSON,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 663.

BRIDGE ACROSS THE SALT FORK OF THE ARKANSAS RIVER.

MAY 10, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs submitted the following

REPORT.

[To accompany S. 3423.]

The Committee on Indian Affairs, to whom was referred the bill (S. 3423), providing for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla., having carefully considered the same, reports the bill back without amendment, and recommends that the bill do pass.

The report of the Senate Committee on Indian Affairs to the Senate shows the necessity for the appropriation for the bridge, but instead of making the appropriation a gratuity from Government funds, the bill appropriates the money direct from the tribal funds of the Indians, the bridge being built on an Indian reservation and being for the purpose of affording the Indians a crossing over the Salt Fork of the Arkansas River. Only one-third of the cost of the bridge is to be paid for by the Indians, the other two-thirds being borne by Kay and Noble Counties, Okla. The report of the Senate is hereby adopted and made a part of this report, and is as follows:

Senate Report No. 302, Sixty-fourth Congress, first session.]

The Committee on Indian Affairs, to which was referred Senate bill 3423, to provide for the construction of a bridge across the Salt Fork of the Arkansas River near White Eagle Agency, in the Ponca Indian Reservation, Okla., having carefully considered the same, recommends that the bill do pass without amendment.

This bill provides for the construction of a bridge across the Salt Fork of the Arkansas River between Kay County and Noble County, Okla., one-third of the expense to be borne by each of the said counties and one-third to be borne by the United States Government, the total cost to the Government not to exceed $6,000; and no part of the appropriation to be used until the authorities of the two counties have furnished proper guaranties that the shares which they contribute will be available, the said counties named to be responsible for the maintenance and repairs to the bridge.

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The Government is asked to contribute its proportion of the cost of this bridge for the reason that a considerable portion of the land in each of these counties is Indian land and not subject to taxation, and for that reason the county authorities could not collect from these Indian landowners their proportion of the assessed cost of the construction of the bridge.

This bill when originally introduced was referred to the Committee on Commerce, and subsequently, on motion, the Committee on Commerce was discharged and the bill was referred to the Committee on Indian Affairs.

While pending before the Committee on Commerce the bill was referred to the Interior Department for a report, and the Secretary of the Interior reported thereon to the Committee on Commerce under date of February 12, 1916. In this report the Secretary calls attention to the fact that the erection of the proposed bridge would increase the value of the land on the Ponca Indian Reservation south of the Salt Fork River far beyond the amount proposed to be contributed and states that it would be an inducement for many of the Indians now living north of the river to make their homes on their own allotments in Noble County, which they are not now willing to do on account of the remoteness of that section and its inaccessibility, due to the fact that the river is not bridged and is frequently not fordable.

The Secretary's report is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 12, 1916.

MY DEAR SENATOR: Referring to the letter of your committee, dated January 21, submitting for report Senate bill 3423 appropriating $6,000 to pay one-third of the cost of the construction of a bridge across the Salt Fork of the Arkansas River, I have to state that all the information at my command indicates it is only fair that the Government should assist the counties in the construction of the proposed bridge.

The erection of such a bridge would increase the value of land on the Ponca Reservation south of the Salt Fork River far beyond the amount proposed to be contributed. It would also be an inducement for many of the Indians now living north of the river to make their homes on their own allotments in Noble County, which they are not now willing to do on account of the remoteness of that section and its inaccessibility, due to the fact that the river is not bridged and is frequently not fordable. The bridge would afford a direct gateway from Ponca City to the south portion of the Ponca Reservation and to the Otoe Reservation, would give the Indians access to competitive markets, and their lands would be leased more readily and for better prices.

It frequently happens that this river is unfordable for considerable periods of time, stopping the travel between the two parts of the reservation or making it necessary to go about 25 miles from the agency at White Eagle, Okla., to reach land 2 or 3 miles south thereof. Under these conditions the white lessees of Indian lands and the Indians living on the south end of the reservation are placed at a disadvantage, the Indian land leasing and selling cheaper than it would otherwise, and the Indians themselves being unwilling to settle upon their allotments. The superintendent in charge of the agency has been furnished figures showing that the entire cost of the bridge will be from $15,000 to $18,000.

Considerable Indian land in these counties is not subject to taxation, and this appropriation is asked for by the county authorities because of this condition.

I am submitting the facts in this case, leaving the question of the propriety of making the appropriation to the determination of the Congress.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. JAMES P. CLARKE,
Chairman Committee on Commerce, United States Senate.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 665.

INDIAN APPROPRIATION BILL.

MAY 11, 1916.—Ordered to be printed.

Mr. CARTER of Oklahoma, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 10385.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 8, 11, 12, 15, 23, 30, 31, 32, 38, 40, 43, 44, 45, 49, 69, 73, 77, 88, 91, 92, 100, 108, 117, 118, 119, 120, 123, 133, 135, 147, and 149.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 28, 29, 33, 39, 46, 48, 50, 51, 52, 53, 54, 56, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 76, 80, 81, 85, 86, 89, 90, 93, 94, 96, 98, 99, 101, 103, 104, 106, 107, 109, 111, 112, 114, 115, 121, 122, 125, 126, 128, 130, 131, 134, 136, 138, 139, 140, 141, 143, 144, 145, 148, 150, 151, 152, 153, 154, and 155; and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

The provisions of sections twenty-one hundred and forty and twenty-one hundred and forty-one of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January thirtieth, eighteen hundred and ninety-seven (Twenty-ninth Statutes at Large, page five hundred and six), and the possession by a person of intoxicating liquors in the country

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where the introduction is prohibited by treaty or Federal statute shall be prima facie evidence of unlawful introduction.

And the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

In line 1 of said amendment strike out the word "to" and insert in lieu thereof the following: *$5,000 of which shall*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

Provided further, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

And the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *two permanent warehouses*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows:

In line 1 of said amendment strike out the words "which has been" and in line 2 of said amendment strike out the words "heretofore or"; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

For beginning the construction by the Indian Service, of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Arizona, as recommended by the Board of Engineers of the United States Army in paragraph two hundred and seventeen of its report to the Secretary of War of February fourteenth, nineteen hundred and fourteen (House Document numbered seven hundred and ninety-one), $75,000 to be immediately available and to remain available until expended, reimbursable as provided in section two of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two), the total cost not to exceed $200,000.

And the Senate agree to the same.

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Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For beginning the construction by the Indian Service of a diversion dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Arizona, as estimated by the Board of Engineer Officers of the United States Army in paragraph one hundred and thirty-eight of its report to the Secretary of War of February fourteenth, nineteen hundred and fourteen (House Document Numbered Seven hundred and ninety-one), $75,000, to remain available until expended, the total cost not to exceed $175,000: Provided, That said dam shall be constructed as a part of a project for the irrigation from the natural flow of the Gila River of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Arizona: And provided further, That the water diverted from the Gila River by said diversion dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: And provided further, That the construction charge for the actual cost of said diversion dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said county; and said cost as fixed for said Indian lands shall be reimbursable as provided in section two of the act of August twenty-fourth, ninteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August thirteenth, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and eighty-six): And provided further, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said diversion dam or carried in canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible.

And the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately six hundred acres of land in addition to the area to be irrigated by

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said project, as authorized in section two of the act of August twenty-fourth, nineteen hundred and twelve, $20,000; and for maintenance and operation of the project, $3,000; in all, $23,000, reimbursable and to remain available until expended.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows:

In line 16 of said amendment strike out the figures "$15,000" and insert in lieu thereof the following: *$10,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of one hundred Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,400; for general repairs and improvements, including purchase of additional land for school farm, $8,000; in all, $26,400.

And the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the amendment proposed insert the following:

For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, $10,000, to be immediately available, reimbursable to the United States by the Indians having tribal rights on said reservation.

And the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $10,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Potawatomi Indians in the State of Kansas, and to be expended under his direction for the construction of bridges across the Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kansas: Provided, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and

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will at all times maintain and repair said bridges: And provided further, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson: And provided further, That this appropriation shall not become effective until approved by an Indian council to be called for that purpose.

And the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55 and agree to the same with an amendment as follows:

Strike out the following language of the amendment:

"Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine, the minerals in and mineral rights pertaining to any of the lands the cession of which was provided for in said act and for which the United States has not conveyed title shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota."

And the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows:

In line 6 of said amendment strike out the following: "at Keewaton Academy, Wisconsin" and the comma; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows:

In line 1 of said amendment, after the word "balance," insert the following: *of $3,436.03*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows:

In line 2 of said amendment, strike out the word "section" and in line 3 strike out the word "one" and insert in lieu thereof the words *this act*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

In line 2 of said amendment, strike out the figures "$50,000" and insert in lieu thereof *$25,000*; and the Senate agree to the same.

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Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: Provided, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger carrying vehicles for official use upon the aforesaid irrigation projects: Provided further, That not to exceed $7,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

And the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, five per centum of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in fifteen annual installments, the first five of which shall each be five per centum of the construction charge and the remainder shall each be seven per centum of the construction charge. The first of the annual installments shall become due and payable on December first of the fifth calendar year after the initial installment: Provided, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: Provided further, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their

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heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct.

The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: Provided, That delivery of water to any tract of land may be refused on account of nonpayment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: Provided further, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: Provided, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

And the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *for the purpose of making necessary repairs on the Government bridge across*

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the Niobrara River near Niobrara, Nebraska; also to reconstruct one span of ninety feet over the back channel of the Niobrara River at the same point, the sum of $6,500; said sum to be expended under the direction of the Secretary of the Interior; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$91,100*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of two hundred and ninety Indian pupils at the Indian School at Carson City, Nevada, including pay of superintendent, $50,430; for general repairs and improvements, $8,000; for irrigating school farm, $4,000; in all, $62,430.

And the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows:

In line 4 of the amendment, after the figures "$15,000," strike out the period, insert a colon and the following:

Provided, That no part of this appropriation shall be expended for mileage, salaries, or expenses of employees.

And the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows:

In line 2 of the amendment strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 87:

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of three hundred and fifty Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for the construction of an assembly hall and gymnasium, $25,000; in all, $92,150.

And the Senate agree to the same.

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Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

For support and education of two hundred and twenty Indian pupils at the Indian school, Wahpeton, North Dakota, and pay of superintendent, $38,540; for general repairs and improvements, $5,000; for new school building, $20,000; in all, $63,540.

And the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert the following:

To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northewest quarter of section thirty-four, township one hundred and sixty-four north, range seventy west of the fifth principal meridian, North Dakota, $1,500, or so much thereof as may be necessary.

And the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the unexpended balance of $9,533.38 is hereby reappropriated and made available for continuing the relief and seetlement of the Apache Indians formerly confined as prisoners of war on the Fort Sill Military Reservation, Oklahoma, for the purchase of allotments in Oklahoma, as provided for in the act of June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page seventy-seven), for the three adult heads of families who have not heretofore received allotments.

And the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *except that the Secretary of the Interior is hereby authorized, within thirty days after the passage of this act, to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles M. Fechheimer and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior*

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may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same; and the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$15,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *$12,000; for remodeling sewer system, $5,000; for three high-pressure steam boilers, $7,200: Provided, That the unused balance of $9,830 of the amount appropriated by the act of August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and two), and an additional amount of $2,500 may be expended for an addition to the assembly hall; in all, $128,700*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $3,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Klamath Indians of the State of Oregon, and use the same for the construction of a bridge across the Williamson River, on the Klamath Indian Reservation, Oregon, under such rules and regulations as he may prescribe.

And the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following: *$67,500: Provided, That the unexpended balance of $1,607.44 appropriated by the act approved August first, nineteen hundred and fourteen, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June tenth, nineteen hundred and fourteen, at Flandreau Indian School, South Dakota, is hereby reappropriated and made immediatley available for the purchase and installation of a water tank and the purchase of dairy cattle for said school*; and the Senate agree to the same.

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Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized and directed to cause investigation to be made as to the probable cost of providing on the various Sioux Indian reservations adequate school facilities for the children of the Sioux tribes who are now without Government or public-school facilities on the respective reservations, and to make a report thereof to Congress on or before the first Monday in January, nineteen hundred and seventeen, together with a complete and detailed statement of the per capita cost per annum, including mileage paid, now expended for the education of the Sioux Indian children in all the schools, whether on or off the respective reservations; and there is hereby appropriated for the expense of such investigation and report the sum of $1,000, or so much thereof as may be necessary, to be immediately available.

And the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows:

In line 7 of said amendment, after the word "highway," insert a comma and the following: *reimbursable out of any funds now or hereafter placed to the credit of said Indians in the Treasury of the United States*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of $1,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Uintah Tribe of Indians, in the State of Utah, and to use the same to protect the north abutment of the Government bridge at Myton, Utah, under such rules and regulations as he may prescribe, said sum to be immediately available.

And the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of not to exceed twenty acres of that portion of the lands situated on the north side of and within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page five hundred and eighty-four), at not less than

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the appraised value thereof, and to place the proceeds thereof in the Treasury of the United States to the credit of the Spokane Indians in said State.

And the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert *$5,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows:

In lieu of the matter proposed insert the following:

That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands" within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party or parties who shall finally be adjudged to be entitled to such fund: Provided, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made.

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

In lieu of the matter proposed, insert the following:

Sec. 27. On the first Monday in December, nineteen hundred and seventeen, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended; and said statement shall show the amounts which he recommends to be disbursed (a) for per capita

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payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: Provided, That thereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: Provided further, That this shall not change existing law with reference to the Five Civilized Tribes.

And the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

In lieu of the amendment proposed, insert the following:

Sec. 28. On or before the thirty-first day of December, nineteen hundred and sixteen, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of bookkeeping and accounting for the Bureau of Indian Affairs that will enable the said Secretary, on or before July first, nineteen hundred and seventeen, to meet the requirements of section twenty-six of the Indian appropriation act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and three).

And the Senate agree to the same.

C. D. CARTER,
THOMAS F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.
HENRY F. ASHURST,
H. L. MYERS,
MOSES E. CLAPP,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Makes the reimbursable appropriation for repairs and maintenance of irrigation ditches available until expended.

No. 5. Increases limit of cost of hospitals from $15,000 to $17,500, which are now under construction.

No. 9. Strikes out the word "and" and inserts the word "or" to include blind children so they can receive benefit of the fund to educate Indian children.

No. 13. Provides that hereafter Indian farmers must hold and file a certificate of competency from some college recognized before employment in the service.

No. 16. Increases the reimbursable appropriation for determining heirs of deceased Indian allottees $10,000.

No. 17. Permits the use of $25,000 of the reimbursable appropriation for determining heirs of deceased Indian allottees for employment of clerks in the Indian Office here.

No. 18. Corrects total in accordance with amendment 16.

No. 19. Strikes out the word "heir" and inserts "heirs."

No. 20. Places a limit of value of $250 or more upon an heirship in order to charge the fee for determining the heirs.

No. 21. Permits the partition of an allotment of a deceased Indian regardless of competency of heirs.

No. 22. Permits extension of trust period specified in patent to incompetent heirs if necessary.

No. 24. When an Indian allottee, by reason of old age or incapability, can not personally occupy their allotment that is susceptible of irrigation, the Secretary of the Interior may, in his discretion, lease said allotment for a term not to exceed 10 years for benefit of said Indian.

No. 25. Any Indian who is mentally or physically incapable of managing his or her affairs may apply to Secretary of Interior, who may, in his discretion, withdraw from the Treasury any part of said Indian's pro rata share of funds to their credit and use for their benefit.

No. 27. An appropriation of $2,000 to pay Charles J. Kappler for compiling, annotating, and indexing the third volume of Indian Laws and Treaties.

No. 28. Provides that all bidders for supplies for goods furnished the Indian Service may deposit a certified check or approved bond to guarantee the fulfillment of contract instead of the money in amounts exceeding $5,000.

No. 29. Increases the appropriation $3,500 for the purchase of additional land adjacent to the Phoenix (Ariz.) Indian School.

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No. 33. Strikes out the words "to remain available until expended."

No. 39. Makes an appropriation of $3,000 for preservation and repair of prehistoric pueblo ruins and cliff dwellings in Arizona, under supervision of the Smithsonian Institution.

No. 46. Provides for an appropriation of $8,000 for erection of a barn at Haskell Institute, Lawrence, Kans.

No. 48. For traveling and incidental expenses amounting to $250 to Joseph Bradley, for appearing before Congress in behalf of Indians in Michigan.

No. 50. An appropriation of $3,000 to improve road and to blast out and deepen the ditch and creek leading to the Pipestone Indian School, in Minnesota.

No. 51. Provides that not to exceed $60,000 of the $185,000 withdrawn from the trust funds of the Chippewas in Minnesota, and one-fourth of the interest on said tribal funds, may be used for school purposes and compensation of employees, and that $10,000 may be used for road improvements, and that $10,000 may be used for the installation of an electric-light plant at White Earth Agency, provided the residents pay a proportionate share.

No. 52. Provides for sale and conveyance, at not less than appraised value, of certain lands to independent school district 1 of Mahnomen County, Minn.

No. 53. Provides for the issuance of a fee patent to 40 acres of land on the Nett Lake Indian Reservation in Minnesota to the Methodist Episcopal Church.

No. 54. Appropriates not to exceed $25,000 from amounts derived from sale of timber of the Chippewa Indians in Minnesota, for payment of scalers and check scalers.

No. 56. Appropriates $6,000 out of tribal funds of the Chippewa Indians to pay expenses of general council of said tribe to meet in July, 1916.

No. 58. Amends the act of June 30, 1913 (38 Stat. L., p. 89), by appointing an Assistant Attorney General instead of a selection to be made by the Attorney General.

No. 60. Provides for the completion of the enrollment of allottees within the White Earth Reservation in Minnesota and appropriates $5,000 for that purpose.

No. 61. Provides for the establishment and administration of a forest reserve and for sale of timber within the Red Lake Indian Reservation in Minnesota.

No. 62. That lands within said Red Lake Indian Forest Reserve not covered with merchantable timber and suited for agricultural purposes and that front lake shores may be allotted to individual Red Lake Indians under certain conditions.

No. 63. Authorizes the Secretary of the Interior to issue permits or grant leases on such lands in said forest reserve covered in amendment 61, for a limited time.

No. 64. Authorizes the Secretary of the Interior to select not exceeding 200 acres in sections 20, 21, 28, and 29 for town-site purposes and to be held subject to future legislation of Congress.

No. 66. Authorizes investigation of condition of Indians living in Mississippi and appropriates $1,000 for that purpose.

No. 67. Corrects section number.

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No. 68. Increases appropriation for civilization of Indians at Flathead Agency, Mont., from $14,000 to $20,000 and limits amount to expend in salaries to not exceeding $4,500.

No. 70. Appropriates $750,000 (reimbursable) for continuing construction of the irrigation system on the Flathead Indian Reservation, Mont.

No. 71. Appropriates $100,000 (reimbursable) for continuing construction of the irrigation systems on the Fort Peck Indian Reservation, Mont.

No. 76. Correct section number.

No. 80. Is a reimbursable appropriation of $30,000 to pay drainage assessments and grant right of way for location of drainage ditches on lands belonging to Omaha and Winnebago Indians in Dixon, Wayne, and Thurston Counties, Nebr.

No. 81. Corrects section number.

No. 85. Corrects section number.

No. 86. Adds the words "in the vicinity of," so that additional land either adjoining or in the vicinity of may be purchased as a school farm for the Indian School at Albuquerque, N. Mex.

No. 89. Corrects section number.

No. 90. Corrects section number.

No. 93. Corrects section number.

No. 94. Makes the appropriation of $4,000 for sinking wells and improving the water system at the Fort Totten Indian School, North Dakota, immediately available.

No. 96. Authorizes the Secretary of the Interior from time to time within his discretion to withdraw from the Treasury money derived from sale of surplus lands and any interest thereon accrued belonging to the Fort Berthold Indians in North Dakota, and distribute same per capita, or where any Indian is incompetent said share may be withheld and deposited in some bank and used for benefit of said incompetent Indian.

No. 98. Is an appropriation of $1,497.44 to reimburse Benson County, N. Dak., for caring for certain insane Indians.

No. 99. An appropriation of $100 for the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief.

No. 101. Corrects section number.

No. 103. Corrects section number.

No. 104. An increase of $10,000 for expenses and administration of affairs of the Five Civilized Tribes, and makes it immediately available.

No. 106. Authorizes the Secretary of the Interior to make a per capita payment of $300 to each Seminole Indian in Oklahoma, same to be paid out of their tribal or trust funds.

No. 107. An appropriation of $275,000 for the benefit and aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma.

No. 109. Authorizes the Secretary of the Interior to use tribal funds of the Choctaws, Chickasaws, Creeks, and Seminoles, Oklahoma, for school purposes.

No. 111. Authorizes a settlement of a compromise of a suit between the United States and E. Dowden in regard to the Tuttle town site, Oklahoma.

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No. 112. Corrects section number.

No. 114. Provides that the money derived from sale of lands belonging to Indians on the Siletz Indian Reservation, in Oregon, may be paid out to said Indians, share and share alike.

No. 115. Permits the withdrawal of not exceeding $1,000 from tribal funds of the Klamath Indians in Oregon, to pay the expenses of two delegates elected by their council to come to Washington.

No. 121. Corrects section number.

No. 122. Corrects section number.

No. 125. Strikes out the word "boiler" and inserts the word "boilers," to be installed at the Indian School, Pierre, S. Dak.

No. 126. Increases the appropriation $5,000 for the construction of a barn at the Indian School, Pierre, S. Dak., and corrects total.

No. 128. Corrects section number.

No. 130. An appropriation of $1,684 to reimburse the board of education of Box Elder County, State of Utah, for education of 23 Indian pupils during the years 1913 and 1914, and for the education of 21 pupils during the years 1914 and 1915.

No. 131. An appropriation of $832 for the education of 22 Indian pupils at Washakie, Box Elder County, Utah, for the years 1915 and 1916.

No. 134. Corrects section number.

No. 136. A reimbursable appropriation of $100,000 to pay the third installment for water supply of 40 acres of each Indian allotment on the Yakima Indian Reservation, in the State of Washington.

No. 138. Authorizes the Secretary of the Interior to lease for mining purposes the unallotted mineral lands on the diminished Spokane Reservation, in Washington.

No. 139. An appropriation, reimbursable, of $95,000 and authorizes the Secretary of the Interior to negotiate and pay for water rights for lands heretofore allotted to Indians situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Wash.

No. 140. Corrects section number.

No. 141. This amendment is intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribe of Indians enrolled under the act of March 3, 1893 (37 Stat. L., 744), the amount of payments made prior to their respective enrollments. Section 6 of the act of February 6, 1871, provided for the determination of the persons who were members of the Stockbridge and Munsee Tribe and their future relations to the Government. Two rolls were prepared, one containing Indians who it was thought desired to separate their relations from the tribe and become citizens, and the other those who desired to retain their tribal character and remain under the guardianship of the Government. It subsequently appeared that some of those Indians who were placed on the first roll did not desire to sever their relations with the tribe, and they were again enrolled under the provisions of the act of March 3, 1893 (37 Stat. L., 744–745).

No. 143. In order to train Indians in the use and handling of money, not exceeding $25,000 of the appropriation allowed may be paid them per capita or deposited in some bank for their use and benefit under such rules as the department may prescribe.

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No. 144. That no lands of the Menominee Indians in Wisconsin shall be cleared for agricultural purposes, excepting such lands as have been heretofore completely cut over.

No. 145. Amends the act of March 28, 1908, by permitting the Secretary of the Interior to sell lumber, laths, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp, and other materials, under such rules as he may prescribe, and deposit the money in the Treasury for the benefit of the Menominee Indians in Wisconsin.

No. 148. Provides for the granting of flowage rights over unallotted Indian lands under rules and regulations prescribed by the Secretary of the Interior and consent of Indians, and the leasing of the allotted lands with consent of allottee for flowage and storage reservoir purposes, and allottee to determine, subject to approval of Secretary of the Interior, as to consideration therefor.

No. 150. A reimbursable appropriation of $6,500 for the completion of a road on the Red Cliff Reservation, in Wisconsin.

No. 151. Corrects section number.

No. 152. Reduces the appropriation 66 cents for repairs at the abandoned military post of Fort Washakie, Wyo.

No. 153. To enable the Secretary of the Interior to prepare and submit to Congress plans and estimates of cost for completing the irrigation of all irrigable lands in the Shoshone or Wind River Reservation, in Wyoming, to also include in the estimates for the ceded lands within said reservation.

No. 154. Provides an appropriation of $5,000 to carry the provisions of amendment No. 153 into effect.

No. 155. For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools from October 21 to November 11, 1912, $257.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 2. Makes the provisions of sections 2140 and 2141, Revised Statutes, apply to beer as an intoxicating liquor, and the possession of intoxicating liquor prima facie evidence of unlawful introduction in any country where prohibited by treaty or Federal statute.

No. 7. Makes $5,000 of the appropriation for maintenance of the sanatoria for the Choctaw and Chickasaw Indians immediately available.

No. 10. Provides that $200,000 of the appropriation for day and industrial schools may be expended for tuition of Indian pupils in public schools.

No. 14. Provides for two permanent warehouses for use of Indian Service.

No. 26. Is an appropriation of $100,000 to reimburse Indians for live stock that may be hereafter destroyed on account of dourine.

No. 34. For beginning the construction of a dam with bridge superstructure for diverting the water of the Gila River in Arizona for irrigating Indian lands on the Gila River Indian Reservation. Reduces appropriation from $200,000 to $75,000 and limits the cost of said work to $200,000.

No. 35. For beginning the construction of a diversion dam and necessary canals in Pinal County, Ariz., at or near Florence, for irrigation of Indian lands. Reduces amount appropriated from $175,000 to $75,000 and limits cost of work to $175,000.

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No. 36. For extension of the Ganado irrigation project in Arizona and makes it reimbursable.

No. 37. An appropriation of $10,000 for the purpose of making investigation, survey, and cost of practicable means of holding the Gila River in its channel in Graham County, Ariz.

No. 41. Increases the number of pupils, also appropriation for care of said increase allowed, and permits the purchase of additional land for school farm at the Indian school in Greenville, Cal.

No. 42. Makes the appropriation for improvement and construction of roads on the Yuma Indian Reservation in California reimbursable.

No. 47. Authorizes the Secretary of the Interior to withdraw from the tribal funds on deposit in the Treasury to the credit of the Potawatomi Indians, the sum of $10,000 for the construction of a bridge across the Big and Little Soldier Creeks on their said reservation.

No. 55. Strikes from the bill the entire paragraph.

No. 57. Strikes from the bill the words "Keewaton Academy, Wisconsin."

No. 59. Makes the unexpended balance of $3,436.03 available for payment of expenses incurred in preparing a roll of the Indians within the White Earth Reservation, Minn.

No. 65. Provides for sale of timber on lands of the Red Lake Indian Reservation outside of the forest reserve created by amendment No. 61.

No. 72. Decreases the reimbursable appropriation for continuing construction of the irrigation systems on the Blackfeet Indian Reservation, Mont., from $50,000 to $25,000.

No. 74. The work to be done on the irrigation projects on the Blackfeet, Flathead, and Fort Peck Indian Reservations, Mont., may be done by the Reclamation Service with plans approved by Indian Bureau, and authority is also given that a limited amount of said appropriations may be used for purchase of motor vehicles, horses, and horse-drawn vehicles.

No. 75. That the Secretary of the Interior shall assess the charge for cost of irrigation projects as mentioned in amendment No. 74 against the persons who own the land and are receiving benefit of said system.

No. 78. An appropriation of $6,500 for repairs on the Government bridge across the Niobrara River in Nebraska.

No. 79. Corrects total.

No. 82. Increases the number of pupils at the Indian school, Carson City, Nev., and provides for their care.

No. 83. An appropriation of $15,000 to purchase homes, farm sites, water rights, and aid to nonreservation Indians in Nevada; also provides that no part of said appropriation shall be used for payment of salaries, mileage, or expenses of employees.

No. 84. Strikes out the words "to remain available until expended" in the appropriation for support and civilization and purchase of land and water rights for the Washoe Indians in Nevada.

No. 87. Increases the amount for repairs and improvements, and for the construction of an assembly hall at the Indian school, Santa Fe, N. Mex.

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No. 95. Increases the number of pupils and provides for their care at the Wahpeton Indian School, Wahpeton, N. Dak., decreases appropriation for repairs and improvements from $8,000 to $5,000, and provides for the construction of a new building to cost $20,000.

No. 97. Makes an appropriation of $1,500 to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Montain Chippewa Indian.

No. 102. Making the unexpended balance of $9,533.38 available for the purpose of continuing the relief of the Apache Indians, and for the purchase of lands in Oklahoma.

No. 105. Authorizes the Secretary of the Interior to adjudicate, and, if he deem it proper, to apply the per capita payment or any part of the same herein authorized to be made, to John Calvin Gray, Williams T. Lancaster, Arthur Jennings, and Clyde Jennings, enrolled members of the Choctaw and Chickasaw Nations, in the settlement of attorneys' fees for services rendered said Indians in being restored to the rolls.

No. 110. An appropriation of $15,000 for the salaries and the expenses of six oil-and-gas inspectors to supervise the oil, gas, and mining operations in the Five Civilized Tribes.

No. 113. Appropriates $7,200 for the purchase and the installation of boilers at the Indian school at Salem, Oreg., and makes available an unexpended balance of $9,830, and an additional amount of $2,500 for an addition to the assembly hall.

No. 116. Permits the Secretary of the Interior to withdraw from the Treasury $3,000 out of the tribal funds belonging to the Klamath Indians in Oregon, to construct a bridge across the Williamson River.

No. 124. Corrects the total and also makes available an unexpended balance of $1,670 out of a $10,000 appropriation, approved August 1, 1914, for the installation of a water tank, and the purchase of dairy cattle.

No. 127. Is an appropriation of $1,000, and authorizes the Secretary of the Interior to make an investigation as to the school facilities among the different Sioux Tribes of Indians, and to report to Congress on or before January 1, 1917.

No. 129. Makes the appropriation of $9,000 to pay a proportionate share for the construction of a highway or wagon road through the Kaibab Indian Reservation, Utah, reimbursable.

No. 132. Authorizes the Secretary of the Interior to withdraw $1,000 from the tribal funds now in the Treasury to credit Indians in Utah, and use the same to protect abutment of the bridge at Myton, Utah.

No. 137. Authorizes Secretary of the Interior to sell not to exceed 20 acres of land on the north side and within the limits of the abandoned Fort Spokane Military Reservation, Wash., that will not be needed for hospital purposes, and place the proceeds in the Treasury to the credit of the Spokane Indians.

No. 142. An appropriation of $5,000 to purchase dairy cattle for the Indian school at Oneida, Wis.

No. 146. Provides that the Secretary of the Interior may sell the timber on the so-called "school lands" and "swamp lands" within the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which there is a disputed claim, and to hold the money derived therefrom until it is ascertained to whom it belongs.

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No. 156. Requires the Secretary of the Interior to submit annually to Congress a certain detailed statement as to appropriations and disbursements of tribal funds belonging to Indians.

No. 157. Provides that the Bureau of Efficiency shall submit a system of bookkeeping and accounting for the Indian Bureau in order that the Secretary of the Interior may meet the requirements of existing law.

The following table shows the amounts carried in the bill as it passed the House, the Senate, and as agreed to by your conferees, and is exclusive of amounts appropriated out of trust funds belonging to the Indians.

Item.	Passed House.	Passed Senate.	Agreed in conference.
Surveying and allotting Indian reservations, reimbursable	$100,000.00	$100,000.00	$100,000.00
Irrigation, Indian reservations, reimbursable	244,700.00	244,700.00	244,700.00
Suppressing liquor traffic among Indians, gratuity	150,000.00	150,000.00	150,000.00
Relieving distress and prevention of diseases, etc., gratuity	350,000.00	400,000.00	350,000.00
Indian school support, gratuity	1,550,000.00	1,550,000.00	1,550,000.00
Indian school and agency buildings, gratuity	400,000.00	400,000.00	400,000.00
Indian school transportation, gratuity	72,000.00	72,000.00	72,000.00
Industrial work and care of timber, gratuity	425,000.00	500,000.00	425,000.00
Purchase and transportation of Indian supplies, gratuity	300,000.00	300,000.00	300,000.00
Telegraphing and telephoning, Indian service, gratuity	10,000.00	10,000.00	10,000.00
Court costs, etc., gratuity	1,000.00	1,000.00	1,000.00
Expenses, Board of Indian Commissioners, gratuity	10,000.00	10,000.00	10,000.00
Pay of Indian police, gratuity	200,000.00	200,000.00	200,000.00
Pay of judges, Indian courts, gratuity	8,000.00	10,000.00	8,000.00
General expenses, Indian Service, gratuity	135,000.00	135,000.00	135,000.00
Inspectors, Indian Service, gratuity	30,000.00	30,000.00	30,000.00
Determining heirs of deceased Indian allottees, gratuity	90,000.00	100,000.00	100,000.00
Industry among Indians, reimbursable	300,000.00	400,000.00	300,000.00
Payment to heirs of Farmer John, gratuity	20.00	20.00	20.00
Suppressing contagious diseases among live stock, gratuity	.....	100,000.00	100,000.00
Payment to Charles J. Kappler, gratuity	.....	2,000.00	2,000.00
ARIZONA AND NEW MEXICO.			
Support of Indians in Arizona and New Mexico, gratuity	330,000.00	330,000.00	330,000.00
Indian school, Fort Mohave, Ariz., gratuity	42,900.00	42,900.00	42,900.00
Indian school, Phoenix, Ariz., gratuity	131,900.00	135,400.00	135,400.00
Indian school, Truxton Canyon, Ariz., gratuity	21,200.00	21,200.00	21,200.00
Maintenance irrigation system, Pima Indian lands, reimbursable	20,000.00	25,000.00	20,000.00
Irrigation system, Colorado River Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Water supply, Papago Indian villages, gratuity	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Navajos, schools, treaty	100,000.00	100,000.00	100,000.00
Water supply, Navajo Indians, Arizona, reimbursable	25,000.00	25,000.00	25,000.00
Construction dam, Gila River Reservation, reimbursable	.....	200,000.00	75,000.00
Payment for water, Salt River allottees, reimbursable	20,000.00	20,000.00	20,000.00
Construction diversion dam, Gila River Reservation, above Florence, Ariz., reimbursable	.....	175,000.00	75,000.00
Ganado irrigation project, reimbursable	3,000.00	23,000.00	23,000.00
Investigation, Gila River, erosion, etc., gratuity	.....	15,000.00	10,000.00
Bridge across Little Colorado River, reimbursable	15,000.00	15,000.00	15,000.00
Construction additional spans, Gila River, gratuity	17,000.00	17,000.00	17,000.00
Preservation and repair, Pueblo ruins, gratuity	.....	3,000.00	3,000.00
CALIFORNIA.			
Support of Indians in California, gratuity	42,000.00	42,000.00	42,000.00
Purchase of lands for landless Indians, gratuity	10,000.00	30,000.00	10,000.00
Indian school, Riverside, Cal., gratuity	129,500.00	129,500.00	129,500.00
Irrigating allotments, Yuma Reservation, reimbursable	10,000.00	10,000.00	10,000.00
Indian school, Fort Bidwell, Cal., gratuity	21,800.00	21,800.00	21,800.00
Indian school, Greenville, Cal., gratuity	21,630.00	34,400.00	26,400.00
Roads and bridges, Yuma Reservation, Cal., reimbursable	.....	10,000.00	10,000.00
FLORIDA.			
Support of Seminoles in Florida, reimbursable	8,000.00	5,000.00	8,000.00
IDAHO.			
Support of Indians, Fort Hall Reservation, Idaho, gratuity	30,000.00	30,000.00	30,000.00
Maintenance, etc., Fort Hall irrigation system, reimbursable	25,000.00	35,000.00	25,000.00
Fulfilling treaties with Bannocks, Idaho, treaty	5,000.00	5,000.00	5,000.00
Fulfilling treaties with Coeur d'Alenes, treaty	3,000.00	3,000.00	3,000.00

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Item.	Passed House.	Passed Senate.	Agreed in conference.
KANSAS.			
Indian school, Lawrence, Kans., gratuity	$140,250.00	$148,250.00	$148,250.00
Indian school, Kickapoo Reservation, Kans., gratuity	16,860.00	16,860.00	16,860.00
Bridges, Pottawatomi Reservation, Kans., gratuity	.....	10,000.00	(1)
LOUISIANA.			
Purchase of lands for Chettimanchi Indians, gratuity	1,500.00	1,500.00	1,500.00
MICHIGAN.			
Indian school, Mount Pleasant, Mich., gratuity	73,450.00	73,450.00	73,450.00
Reimbursement Joseph Bradley, gratuity	.....	250.00	250.00
MINNESOTA.			
Indian school, Pipestone, Minn., gratuity	61,675.00	64,675.00	64,675.00
Support of Chippewas of the Mississippi, Minn., treaty	4,000.00	4,000.00	4,000.00
Enrollment White Earth allottees, gratuity	.....	5,000.00	5,000.00
MISSISSIPPI.			
Investigation condition Mississippi Indians, gratuity	.....	1,000.00	1,000.00
MONTANA.			
Support of Indians of Fort Belknap Reservation, Mont., gratuity	20,000.00	20,000.00	20,000.00
Support of Indians of Flathead Agency, Mont., gratuity	14,000.00	20,000.00	20,000.00
Support of Indians of Fort Peck Agency, Mont., gratuity	30,000.00	30,000.00	30,000.00
Support of Indians of Blackfeet Agency, Mont., gratuity	25,000.00	25,000.00	25,000.00
Irrigation, Fort Belknap Reservation, reimbursable	20,000.00	20,000.00	20,000.00
Fulfilling treaties with Crows, Montana, treaty	6,000.00	6,000.00	6,000.00
Support of Northern Cheyennes and Arapahoes, treaty	80,000.00	80,000.00	80,000.00
Line riders, Northern Cheyenne Reservation, gratuity	1,500.00	1,500.00	1,500.00
Support Rocky Boys Band, gratuity	5,000.00	10,000.00	5,000.00
Purchase of land, Flathead Agency, reimbursable	320.00	320.00	320.00
Irrigation system, Flathead Agency, Mont., reimbursable	.....	750,000.00	750,000.00
Irrigation system, Fort Peck Agency, Mont., reimbursable	.....	100,000.00	100,000.00
Irrigation system, Blackfeet Agency, Mont., reimbursable	.....	50,000.00	25,000.00
NEBRASKA.			
Indian school, Genoa, Nebr., gratuity	84,600.00	103,100.00	91,100.00
Assessment Omaha and Winnebago allotments, reimbursable	.....	30,000.00	30,000.00
NEVADA.			
Support of Indians in Nevada, gratuity	18,500.00	18,500.00	18,500.00
Indian school, Carson City, Nev., gratuity	60,760.00	89,100.00	62,430.00
Home and farm sites, Nevada Indians, gratuity	.....	15,000.00	15,000.00
Irrigation, Pyramid Lake Reservation, reimbursable	30,000.00	30,000.00	30,000.00
Land and water rights, Washoe Indians, gratuity	15,000.00	15,000.00	15,000.00
NEW MEXICO.			
Indian school, Albuquerque, N. Mex., gratuity	97,400.00	97,400.00	97,400.00
Indian school, Santa Fe, N. Mex., gratuity	67,150.00	103,650.00	92,150.00
Counsel for Pueblo Indians of New Mexico, gratuity	2,000.00	2,000.00	2,000.00
Highway, Mesa Verde National Park to Gallup, N. Mex., gratuity	15,000.00	54,000.00	15,000.00
NEW YORK.			
Fulfilling treaties with Senecas, New York, treaty	6,000.00	6,000.00	6,000.00
Fulfilling treaties with Six Nations, New York, treaty	4,500.00	4,500.00	4,500.00
NORTH CAROLINA.			
Indian school, Cherokee, N. C., gratuity	36,000.00	36,000.00	36,000.00
Bridge, Ocona Luftv River, gratuity	.....	15,000.00	(2)
School for North Carolina Indians, gratuity	.....	50,000.00	(2)
Maintenance, school for North Carolina Indians, gratuity	.....	10,000.00	(2)
NORTH DAKOTA.			
Support of Sioux of Devils Lake, N. Dak., gratuity	5,000.00	5,000.00	5,000.00
Support of Indians, Fort Berthold Agency, N. Dak., gratuity	15,000.00	15,000.00	15,000.00
Support of Chippewas, Turtle Mountain Band, gratuity	11,000.00	11,000.00	11,000.00
Indian school, Bismarck, N. Dak., gratuity	56,175.00	56,175.00	56,175.00
Indian school, Fort Totten, N. Dak., gratuity	82,500.00	82,500.00	82,500.00

[1] Paid out of tribal funds. [2] Senate receded.

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Item.	Passed House.	Passed Senate.	Agreed in conference.
NORTH DAKOTA—continued.			
Indian school, Wahpeton, N. Dak., gratuity	$40,200.00	$66,540.00	$63,540.00
Redemption mortgage, Starr McGillis, reimbursable		1,500.00	1,500.00
Reimbursing Benson County (insane Indians), gratuity		1,497.44	1,497.44
Headstone, Scarlet Crow, gratuity		100.00	100.00
OKLAHOMA.			
Support of Wichitas and affiliated bands, gratuity	5,000.00	5,000.00	5,000.00
Support of Cheyennes and Arapahoes, Oklahoma, gratuity	35,000.00	35,000.00	35,000.00
Support of Kansas Indians, gratuity	1,500.00	1,500.00	1,500.00
Support of Kickapoo Indians, gratuity	2,000.00	2,000.00	2,000.00
Support of Poncas, gratuity	8,000.00	8,000.00	8,000.00
Indian school, Chilocco, Okla., gratuity	93,250.00	93,250.00	93,250.00
Fulfilling treaties with Pawnees, treaty	47,100.00	47,100.00	47,100.00
Support of Quapaws, treaty	1,500.00	1,500.00	1,500.00
Purchase land for Fort Sill Apaches, gratuity		40,000.00	([1])
FIVE CIVILIZED TRIBES.			
Administration affairs of Five Civilized Tribes, gratuity	175,000.00	185,000.00	185,000.00
Probate attorneys, Five Civilized Tribes, gratuity	85,000.00	85,000.00	85,000.00
Cherokee Orphan Training School, gratuity	40,000.00	40,000.00	40,000.00
Indian schools, Five Civilized Tribes, gratuity		275,000.00	275,000.00
Fulfilling treaties with Choctaws, treaty	10,520.00	10,520.00	10,520.00
Oil and gas inspectors, Five Civilized Tribes, gratuity		25,000.00	15,000.00
Compromise suits, U. S. *v.* Dowden et al., reimbursable		57,500.00	57,500.00
OREGON.			
Support of Indians, Klamath Agency, Oreg., gratuity	6,000.00	6,000.00	6,000.00
Support of Indians, Warm Springs Agency, gratuity	4,000.00	4,000.00	4,000.00
Support of Indians, Umatilla Agency, gratuity	3,000.00	3,000.00	3,000.00
Indian school, Salem, Oreg., gratuity	119,000.00	135,500.00	128,700.00
Support of Indians, Grande Ronde and Siletz Agencies, Oreg., gratuity	4,000.00	4,000.00	4,000.00
Maintenance and operation, Modoc Point irrigation system, reimbursable	20,000.00	20,000.00	20,000.00
Bridges, Umatilla Reservation, reimbursable	18,666.00	14,000.00	18,666.00
PENNSYLVANIA.			
Indian school, Carlisle, Pa., gratuity	152,000.00	152,000.00	152,000.00
SOUTH DAKOTA.			
Indian school, Flandreau, S. Dak., gratuity	67,500.00	68,955.00	67,500.00
Indian school, Pierre, S. Dak., gratuity	55,750.00	60,750.00	60,750.00
Indian school, Rapid City, S. Dak., gratuity	83,500.00	83,500.00	83,500.00
Support of Sioux of different tribes, etc., treaty	307,000.00	307,000.00	307,000.00
Education, Sioux Nation, treaty	200,000.00	200,000.00	200,000.00
School facilities, Sioux Indian country, gratuity		250,000.00	1,000.00
Support of Sioux, Yankton Tribe, gratuity	14,000.00	14,000.00	14,000.00
Asylum for insane Indians, Canton, S. Dak., gratuity	45,000.00	45,000.00	45,000.00
Highway, Standing Rock Reservation, reimbursable	5,000.00	5,000.00	5,000.00
UTAH.			
Support of Confederated Bands of Utes, treaty	53,740.00	53,740.00	53,740.00
Support of Indians in Utah, gratuity	10,000.00	10,000.00	10,000.00
Support of Confederated Bands of Utes, seeds and implements, treaty	10,000.00	10,000.00	10,000.00
Highway, Kaibab Reservation, reimbursable		9,000.00	9,000.00
Irrigation, Uintah Reservation, reimbursable	40,000.00	40,000.00	40,000.00
Reimbursement Box Elder County, Utah, gratuity		1,684.00	1,684.00
Education, Indian pupils, Washakie School, gratuity		832.00	832.00
Protection bridge, Myton, Utah, gratuity		1,000.00	([2])
WASHINGTON.			
Support of D'Wamish and other allied tribes, gratuity	7,000.00	7,000.00	7,000.00
Support of Makahs, gratuity	2,000.00	2,000.00	2,000.00
Support of Quinnaiults and Quillehutes, gratuity	1,000.00	1,000.00	1,000.00
Support of Yakima Indians, gratuity	3,000.00	3,000.00	3,000.00
Support of Colville and certain other Indians, gratuity	13,000.00	15,000.00	13,000.00
Support of Spokanes, treaty	1,000.00	1,000.00	1,000.00
Irrigation system, Yakima Reservation, reimbursable	15,000.00	15,000.00	15,000.00
Indian school, Tacoma, Wash., gratuity	50,000.00	50,000.00	50,000.00
Dam across Yakima River, reimbursable	200,000.00	200,000.00	200,000.00
Payment third installment for water, Yakima, gratuity		100,000.00	100,000.00
Acquisition water rights, Indians, Okanogan County, reimbursable		95,000.00	95,000.00

[1] Unexpended balance made available.

[2] Drawn from tribal funds.

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Item.	Passed House.	Passed Senate.	Agreed in conference.
WISCONSIN.			
Indian school, Hayward, Wis., gratuity	$51,550.00	$51,550.00	$51,550.00
Indian school, Tomah, Wis., gratuity	56,125.00	56,125.00	56,125.00
Support of Chippewas of Lake Superior, Wis., gratuity	7,000.00	7,000.00	7,000.00
Support of Potawatomi in Wisconsin, gratuity	$7,000.00	$7,000.00	$7,000.00
Payment to Stockbridge and Munsee Tribe, gratuity	.....	95,000.00	95,000.00
Purchase of cattle, Oneida School, gratuity	.....	10,000.00	5,000.00
Support of Wisconsin band of Pottwatomies, Wisconson and and Michigan, reimbursable	100,000.00	100,000.00	100,000.00
Sidewalks, village of Odanah, Band River Reservation, reimbursable	.....	1,000.00	(1)
Completion road, Red Cliff Reservation, reimbursable	.....	6,500.00	6,500.00
WYOMING.			
Support of Shoshones in Wyoming, gratuity	15,000.00	15,000.00	15,000.00
Indian School, Shoshone Reservation, Wyo., gratuity	36,025.00	36,025.00	36,025.00
Support of Shoshones in Wyoming, treaty	6,000.00	6,000.00	6,000.00
Repairs, Fort Washakie, gratuity	1,721.66	1,721.00	1,721.00
Irrigation system, Wind River Reservation, reimbursable	50,000.00	50,000.00	50,000.00
Plans and estimates for completing irrigation, Shoshone or Wind River Reservation, gratuity	3,000.00	5,000.00	5,000.00
Roads and bridges, diminished Shoshone Reservation, reimbursable	25,000.00	25,000.00	25,000.00
Payment to Joseph H. Norris, gratuity	.....	257.00	257.00
New bookkeeping system, Indian Bureau, gratuity	.....	12,000.00	(1)
Total	8,961,437.66	11,993,796.44	10,966,037.44

[1] Senate receded.

C. D. CARTER,
THOS. F. KONOP,
CARL HAYDEN,
P. P. CAMPBELL,
P. D. NORTON,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 675.

SALE OF SKINS TAKEN FROM FUR SEALS KILLED ON PRIBILOF ISLANDS FOR FOOD PURPOSES.

MAY 11, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. J. Res. 63.]

The Committee on the Merchant Marine and Fisheries, to whom was referred House joint resolution 63, authorizing the Secretary of Commerce to sell skins taken from fur seals killed on the Pribilof Islands for food purposes, having considered the resolution, report it to the House with the recommendation that it do pass. The advisability of this legislation is fully set forth in the following communication from the Secretary of Commerce, of date May 3, 1916:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, May 3, 1916.

MY DEAR JUDGE ALEXANDER: I am becoming very much troubled about the resolution authorizing the postponement of the sale of the fur sealskins. There is barely time now, in the case of the failure of the resolution, in which to get the sale advertised and put through by the close of the fiscal year, and the sale if thus made and at this time would be most undesirable from the standpoint of the Government. Meanwhile, also, in pursuance of a contract for the purpose, we are having the skins dyed and dressed, and that process may not be sufficiently complete to make the sale advantageous at this time. Yet, if the resolution does not pass we shall be forced apparently into the position either of making a sale which we know to be disadvantageous or of apparently neglecting the law upon the subject.

Mr. Thurman has told me of his conversation with you about a week ago in which you assured him that you would do everything possible to have this resolution pass at one of the unanimous-consent days. I shall therefore appreciate very highly your assistance in putting through the House the resolution which has already passed the Senate.

Yours, very truly,

WILLIAM C. REDFIELD, *Secretary.*

Hon. J. W. ALEXANDER,
House of Representatives.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 676.

FEDERAL AID FOR INDIGENT TUBERCULOUS PERSONS.

MAY 11, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 11864.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 11864) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes, having considered the same, report thereon with amendment and as so amended recommend that it pass.

The bill as amended has the approval of the Treasury Department, as will appear by the letter attached and which is made a part of this report.

Amend the bill as follows:

Page 1, line 5, strike out the word "State" and insert in lieu thereof the word "the."

Page 1, line 5, after the word "authorities" insert the words "of any hospital or sanitorium."

Page 1, line 6, strike out the word "State."

Page 1, lines 7 and 8, strike out the words "citizens of the United States, but."

Page 1, line 10, strike out the word "public."

Page 2, line 12, after the word "treatment" insert the words "or any other person."

Page 3, line 19, strike out the words "and establishment of standards."

Page 3, line 20, after the word "carrying" insert the words "out the."

Page 3, line 21, after the word "use" insert a comma.

Page 3, line 24, after the word "institutions" insert the words "receiving aid under this act."

Page 4, line 3, after the word "estimates," strike out the period, insert a comma, and add the words "together with a list of institutions to which aid was extended, and the contributions made by local authorities."

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The purpose and intent of this bill (H. R. 11864) is to prevent the spread of tuberculosis by voluntary hospital segregation and care of indigent tuberculous patients, who are nonresidents of the States in which they may be temporarily residing. This not only provides health protection to the general public but brings relief to those unfortunate individuals who are suffering with tuberculosis and to those communities which at present are subjected to a heavy tax in caring for indigent tuberculous patients who contribute nothing to the expenses of the community in which they are temporarily residing.

Section 1 authorizes the Secretary of the Treasury to aid in the care of nonresident indigent consumptives by designating certain hospitals for their care and treatment. Section 2 provides that such hospitals shall receive from the Federal Treasury not to exceed 75 cents a day, per patient, provided such hospitals will pay or expend an equal amount for the care of the patients. Section 3 provides that patients entitled to benefits of the bill may be returned to their legal residence at the expense of the Government, in which case they would cease to receive the benefits provided by this bill. Section 4 provides that the Secretary of the Treasury may make rules and regulations to carry out the provisions of the bill.

It is estimated that 10,000 to 15,000 consumptives go to the Southwest annually seeking the benefit of the mild and equable climate. About half of these become indigent or objects of charity some time after arrival. According to the Public Health Service reports, this migration is increasing. This migration began 100 years ago and has assumed great proportions in the past 25 years.

While the western country will benefit under this act, its operation will not be limited to that section, as there are nonresident consumptives in all States, especially in the cities which have a large foreign population.

Tuberculosis is increasing among the native population of the Southwest due to infection spread by careless consumptive strangers. The people of the West have cared for these homeless consumptives for years. Many families of the West have lost loved ones, who have contracted the disease from a consumptive guest or boarder. The lack of adequate hospital provision in Western States has made it necessary to care for most of these people in private homes.

These thousands of consumptives, traveling to and from the West, are a menace and danger to the traveling public.

The passage of this bill will stimulate hospital construction and enlargement, not only in the West, but in all States. The proposed return of patients to hospitals in their home States (with their consent) will focus the attention of authorities and citizens of uch States to the need for hospital provision by States, counties, and cities for the care of their tuberculous citizens, now compelled to seek cure by climate, because of the lack of hospital care in their own communities.

The enactment of this measure, giving Government aid in caring for nonresident patients, will enable counties and cities of the West to care for patients, instead of shipping them to other places, a practice which now prevails to a considerable extent, and which constitutes a danger to interstate commerce. The return of patients to their homes will terminate Government expenditures for certain cases.

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Hospital care and treatment under this act will restore many consumptives to lives of usefulness and enable them to support their families, saving public charity the expense of caring for widows and orphans. The care of patients in hospitals will also protect their families from infection.

It is not practicable to return these people by force to the place of their legal residence. This proceeding would be more difficult than the extradition of a criminal and would be denounced as brutal and inhumane. Unless confined to a jail or a hospital the patients could not be compelled to remain at the point to which they were returned, and as not all communities have hospitals it would result in transferring infection from one point to another and would often be to the detriment of the patient. The suggestion has also been made that the West should quarantine against tuberculosis patients, but this would not be practicable, even if considered a humane proceeding.

That the West does not fear any increase of migration under this act is shown by the fact that this bill and a similar measure pending in the last Congress, received indorsement by governors of Southwestern States, State, county, and city boards of health, county and city authorities, and by officers and members of many voluntary health and welfare organizations.

It might appear that the West should not be expected to bear half of the burden of caring for these patients. Western communities are now bearing all of the expense and this bill will relieve them of half of the burden which they now carry. It is optional with any community to avail itself of the provisions of the bill.

There is no feasible legal way by which the home States of patients may be required to bear all of the expense of caring for patients.

Precedent exists for the Federal Government maintaining patients in hospitals. The Public Health Service now has contracts with many hospitals for the care of patients under their jurisdiction.

This bill is reasonable, just, and humane, as shown by the indorsements of the Public Health Service, many State boards of health, State medical associations, officials of tuberculosis institutions, officials of health, welfare, and labor organizations, and of many private individuals. It is a public-health measure of far-reaching importance. The frightful ravages of tuberculosis in this country constitutes so serious a drain upon the health and economic welfare of this Nation as to merit the enactment of legislation having as its object the control and prevention of the spread of this disease. In view of these facts the committee recommends the speedy passage of this bill.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 25, 1916.

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

SIR: I beg leave to acknowledge the receipt of your letter of January 12, 1916, inclosing a copy of bill H. R. 8352, "To standardize the treatment of tuberculosis in the United States, to provide Federal aid in caring for indigent tuberculous persons, and for other purposes," and asking for the views of the department concerning the same.

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The bill in brief authorizes the Secretary of the Treasury to aid State authorities in providing care and treatment for indigent tuberculous persons, citizens of the United States, but not legal residents of the States in which they are temporarily located, and provides further for the inspection of the institutions in which these tuberculous persons are to be treated. The bill further provides that the Government may pay not exceeding 75 cents per diem for each indigent patient admitted to the approved institutions, with the approval of the Secretary of the Treasury, provided that the State pays an equal amount toward the cost of caring for these patients. It is further provided that subventions under this law shall not be granted in the case of persons who have been assisted to leave their homes, or who have left their homes, in order to receive the benefits of the act, and the Secretary is authorized to issue regulations governing the designation of institutions and the establishment of standards for carrying out the provisions of the act, and to collect and make available for general use information and descriptive matter relative to the construction, equipment, and maintenance of hospitals, sanatoria, and similar institutions.

On account of public health and humanitarian considerations the bill has the approval of this department. It is believed that it will act to reduce the amount of tuberculosis in the United States, because it will provide better care and treatment for a class who migrate from place to place, and in consequence are a menace to other travelers and to the public generally; it will encourage improved methods of care and treatment for the tuberculous throughout the country, and therefore enable many otherwise useful citizens to regain their health and to become self-supporting; it will equalize the burden of caring for the nonresident indigent tuberculous, shifting a portion of it from the shoulders of a few States and distributing half of it among all the States.

It has been estimated that between fifteen and twenty thousand persons leave their homes annually to go in search of health to sections of the country popularly regarded as having climates favorable to the cure of tuberculosis, such as North Carolina, Colorado, California, Texas, and other States in the Southwest. These persons are passengers in interstate traffic and their presence as such constitutes a problem for solution by the Federal Government. They are frequently unable to work, and upon the exhaustion of their funds they become a burden to States of which they are not citizens. The bill provides, very properly, that one half of the cost of caring for such patients shall be borne by the respective States and the other half by the Federal Government.

Respectfully,

W. G. McAdoo,
Secretary.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 677.

INSURANCE COMPANIES AND FRATERNAL BENEFICIAL SOCIETIES.

MAY 11, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 12541.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 12541) authorizing insurance companies and fraternal beneficial societies to file bills of interpleader, beg leave to report that they have had the same under consideration, and recommend that the said bill be amended by striking out in the twelfth line on the first page, the figures "500" and inserting in lieu thereof the figures "2000"; and the committee recommend that the bill, thus amended, do pass.

The purpose of this bill is to meet a situation which arises quite frequently and causes serious difficulty in adjusting insurance losses. It frequently happens that the proceeds of a policy of life insurance are claimed by two or more persons. Often these conflicting claimants reside in different States and different districts. If they reside in the same jurisdiction, the situation is simple, because the insurance company can file a bill of interpleader, joining the claimants as parties, and after paying the amount admitted to be due into court, be discharged from any further liability. Where the claimants reside in different jurisdictions, this can not be done, and frequently two or more suits are brought against the company in different States. The result is expensive and troublesome litigation, which sometimes subjects the company to double liability and generally prevents a fair trial of the issues between the conflicting claimants.

This bill makes it possible for an insurance company to file its bill of interpleader in the jurisdiction in which one of the claimants resides. The court in which the bill is filed can then issue process to bring in the other claimant. It does not afford an insurance company any opportunity to abuse the rights granted under the bill in an attempt to avoid liability. In any bill of interpleader filed the

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company must offer to deposit the amount of the insurance in the registry of the court, and to abide the judgment of the court. The company can only be discharged from liability by the payment of the insurance as directed by the court.

The bill seeks to cure an existing evil. The evil is the inability of the holder of the fund which is claimed by divers claimants, who reside in different States, to obtain proper relief in a tribunal having jurisdiction over all such claimants. Under the present judicial system there is no such tribunal, and therefore no relief to the holder of such fund. The holder of the fund, being without knowledge of the facts which constitute the respective claims of the rival claimants, is at its own expense forced to defend the separate actions. Instances exist in which the holder of the fund has had judgments rendered against it and been compelled to pay a claim twice, though it had always acknowledged its liability and was always ready to pay to the person legally entitled thereto.

PRESENT LAW.

No civil suit shall be brought in any district court against any person by any original process or proceedings in any other district than that whereof he is an inhabitant; or, if the action is between citizens of different States, suit shall be brought only in the district in which either plaintiff or defendant resides. (Judicial Code, 1911, sec. 51.)

The six exceptions to the rule established by section 51 are found in sections 52, 53, 54, 55, 56, and 57 of the same code.

The provisions of section 57, in which it is provided as follows:

> Actions to enforce legal or equitable liens, or to remove any incumbrance, lien, or cloud upon title to real or personal property within the district where the suit is brought, service may be had on nonresident defendants by publication,

would be an ample remedy and cure the evil complained of if a policy of life insurance or the proceeds thereof, when contested by rival claimants, were property within the district. The Federal courts in many decisions have determined that neither a policy of insurance nor the proceeds thereof, when contested for by rival claimants, was property within the district. Stockbridge *v.* Insurance Co. (193 Fed., 558); Evans *v.* Scribners Sons (58 Fed., 303).

Independently of any expressed statutory authority there is no power in the court of equity to order actual personal service to be effected upon a defendant beyond its territorial jurisdiction.

The following cases illustrate how double recovery against the insurance company on one cause of action may be obtained under the present law: Mutual Life *v.* McGrew (188 U. S., 291); N. Y. Life *v.* Smith (67 Fed., 694); Gleason *v.* Ins. Co. (97 N. E., 35); Washington Life *v.* Gooding (49 S. W., 123); Morgan *v.* Mutual Benefit (83 N. E., 438); Mahr *v.* Norwich (28 N. E., 391); Dunlevy *v.* N. Y. Life (204 Fed., 670, and 214 Fed., 1).

PROPOSED REMEDY.

Under this bill, if enacted into law, process from district courts, in cases of interpleader, may be served in other districts by the marshal in such other district on the defendants residing in such other district,

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and the court issuing such process shall have jurisdiction of the cause.

Congress has authority to do this, as there are no constitutional prohibitions to the contrary, and it is given power under the Constitution to establish courts without limitation as to the service of process.

The practice here suggested for the Federal courts has been adopted by many States. Courts having only county jurisdiction have been authorized, where some of the defendants are residents of other counties, to issue process to such counties. (Alabama, Code, 1907, sec. 5300; Arizona, R. S., 1913, sec. 434; California, Civ. Code, 1906, sec. 406; Florida, C. L., 1914, sec. 1401; Georgia, Ann. Code Prac., sec. 5529; Illinois, Stat. Ann., 5654; Maine, R. S., 1903, sec. 16, p. 721; Michigan, Howell Stat., sec. 12673; Mississippi, Code, 1906, sec. 3915; Nebraska, R. S., 1913, sec. 7627; Missouri, R. S., 1909, sec. 1764; Montana, R. C., 1907, sec. 6514; Nevada, R. L., 1912, sec. 789; North Carolina, Pell's Revision, 1908, sec. 432; North Dakota, C. L., 1913, sec. 8534; Ohio, Ann. Gen. Code, sec. 11282; Oklahoma, R. L., 1910, sec. 4707; Oregon, Lord's Laws, sec. 52; South Dakota, Com. L., 1910, sec. 15, p. 538; Tennessee, Code, 1906, sec. 4526; Texas, Civ. St., 1914, art. 1851; Utah, Com. Laws, 1907, sec. 2941; Wyoming, Com. St., 1910, sec. 4355.)

Congress having full power under the Constitution, it is reasonable to expect that it will so enlarge the powers of the district courts as to overcome and eliminate the existing evil, and this the bill in question is intended to accomplish.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 678.

COMPENSATION OF GOVERNMENT EMPLOYEES SUFFERING INJURIES WHILE ON DUTY.

MAY 11, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GARD, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 15316.]

The Committee on the Judiciary had under its consideration H. R. 13621, a bill "To provide compensation for employees of the United States suffering injuries in the course of their employment, and for other purposes," and after full hearings and consideration a great many amendments were adopted and many changes made in the text of the bill and a committee print showing such changes and amendments was ordered by said committee. This committee print was given renewed consideration and several amendments thereto were adopted, so that the completed bill as it was finally determined upon by the Committee on the Judiciary was reintroduced on May 3, 1916, as H. R. 15316. Such amended and reintroduced bill is in the language following:

[H. R. 15316. Sixty-fourth Congress, first session.]

A BILL To provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death.

SEC. 2. That during the first three days of disability the employee shall not be entitled to compensation except as provided in section nine. No compensation shall at any time be paid for such period.

SEC. 3. That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay, except as hereinafter provided.

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SEC. 4. That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him.

SEC. 5. That if a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation.

SEC. 6. That the monthly compensation for total disability shall not be more than $66.67 nor less than $33.33, unless the employee's monthly pay is less than $33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $66.67. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

SEC. 7. That as long as the employee is in receipt of compensation under this act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions, for service in the Army or Navy of the United States.

SEC. 8. That if at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased.

SEC. 9. That immediately after an injury sustained by an employee while in the performance of his duty, whether or not diability has arisen, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

SEC. 10. That if death results from the injury within six years the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

(B) To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a

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total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentges as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption prior to the time of the injury.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section, the monthly pay shall be considered not to be more than $100 nor less than $50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section twelve.

(L) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than $2,000 or by imprisonment of not more than one year, or by both such fine and imprisonment.

SEC. 11. That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed $100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than

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one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury.

SEC. 12. That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account.

SEC. 13. That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.

SEC. 14. That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than $5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

SEC. 15. That every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

SEC. 16. That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.

SEC. 17. That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury.

SEC. 18. That no compensation under this act shall be allowed to any person, except as provided in section thirty-eight, unless he or some one on his behalf shall, within the time specified in section twenty, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate.

SEC. 19. That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.

SEC. 20. That all original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year.

SEC. 21. That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

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SEC. 22. That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination.

SEC. 23. That fees for examinations made on the part of the United States under sections twenty-one and twenty-two by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-one, shall be paid out of the appropriation for the work of the commission.

SEC. 24. That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.

SEC. 25. That any assignment of a claim for compensation under this act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors.

SEC. 26. If an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this act.

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him.

SEC. 27. That if an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States.

SEC. 28. That a commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of $5,000 a year. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this act.

SEC. 29. That the commission, or any commissioner by authority of the commission, shall have power to issue subpœnas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the commission.

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SEC. 30. That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed by the commission in the same manner as appointments to the competitive classified civil-service positions.

SEC. 31. That the commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission.

SEC. 32. That the commission is authorized to make necessary rules and regulations for the enforcement of this act, and shall decide all questions arising under this act.

SEC. 33. That the commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receitpe of and expenditures from the employees' compensation fund, and its recommendations for legislation.

SEC. 34. That for the fiscal year ending June thirtieth, nineteen hundred and seventeen, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $50,000 for the work of the commission, including salaries of the commissioners and of such assistants, clerks, and other emproyees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under section twenty-one and twenty-two, reasonables traveling and other expenses and loss of wages payable to employees under section twenty-one, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding to be done at the Government Printing Office, and other necessary expenses.

SEC. 35. That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.

SEC. 36. The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this act. Compensation when awarded shall be paid from the employees' compensation fund.

SEC. 37. That if the original claim for compensation has been made within the time specified in section twenty, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

SEC. 38. That if any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.

SEC. 39. That whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 40. That wherever used in this act—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section twenty-eight.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time o the injury.

SEC. 41. That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided, however,* That for injuries occurring prior to the passage of this act compensation shall be paid under the law in force at the time of the passage of this act: *And provided further,* That if an injury or death for which compensation is payable under

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this act is caused under circumstances creating a legal liability in the Panama Railroad Company to pay damages therefor under the laws of any State, Territory, or possession of the United States or of the District of Columbia or of any foreign country, no compensation shall be payable until the person entitled to compensation releases to the Panama Railroad Company any right of action which he may have to enforce such liability of the Panama Railroad Company, or until he assigns to the United States any right which he may have to share in any money or other property received in satisfaction of such liability of the Panama Railroad Company.

SEC. 42. That the President may, from time to time, transfer the administration of this act so far as employees of the Panama Canal and of the Panama Railroad Company are concerned to the governor of the Panama Canal, and so far as employees of the Alaskan Engineering Commission are concerned to the chairman of that commission, in which cases the words "commission" and "its" wherever they appear in this act shall, so far as necessary to give effect to such transfer, be read "governor of the Panama Canal" or "chairman of the Alaskan Engineering Commission," as the case may be, and "his"; and the expenses of medical examinations under sections twenty-one and twenty-two, and the reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, shall be paid out of appropriations for the Panama Canal or for the Alaskan Engineering Commission or out of funds of the Panama Railroad, as the case may be, instead of out of the appropriation for the work of the commission.

In the case of compensation to employees of the Panama Canal or of the Panama Railroad Company for temporary disability, either total or partial, the President may authorize the governor of the Panama Canal to waive, at his discretion, the making of the claim required by section eighteen. In the case of alien employees of the Panama Canal or of the Panama Railroad Company, or of any class or classes of them, the President may remove or modify the minimum limit established by section six on the monthly compensation for disability and the minimum limit established by clause (K) of section ten on the monthly pay on which death compensation is to be computed. The President may authorize the governor of the Panama Canal and the chairman of the Alaskan Engineering Commission to pay the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and eleven, out of the appropriations for the Panama Canal and for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund.

SEC. 43. That this act shall take effect from and after its passage.

The protection of the life and health of employees against injury sustained while in the performance of duty is to-day recognized as one of the very vital principles in the scheme of government.

So large have become the works of industry, so great has been their development through improved machinery and appliances, so numerous have become employees required to carry on these great works that the necessity of safeguarding them has long been manifest.

It should be the purpose of all employers of labor to give to their employees the most complete protection possible against injuries resulting from their employment and from diseases having their origin in improper working surroundings. But despite the best efforts to protect employees against injury, accidents will occur, and the trend of the best thought of the country is to afford relief to the victim of such accident, his family, those dependent upon him, from the dire results of misfortune.

The human right is ascendant and the life, health, and happiness of its people held in sacred trust by the most enlightened governments.

The unit of all civilization is the home, and that this may not be broken up through occupational injury but may be continued despite this is the ultimate object of all workmen's compensation laws.

Many of the States of this Union have such compensation laws which are working with most excellent results, and now it is proposed that the United States shall have a compensation law for the protection of all its employees, and thus give relief from the cumbrous and

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inefficient system of presenting private claims to Congress for its action, often delayed and many times insufficient, and to give its sanction to this great principle of humanity.

This bill, H. R. 15316, seeks to supplant the existing inadequate Federal compensation law of May 30, 1908, with a new law providing adequate compensation for all civilian employees of the United States suffering injuries in the course of their employment.

A summary of the principal features of the bill and of the reasons which seemed to the committee to make a change in the existing law advisable follows:

EMPLOYEES TO BE GRANTED COMPENSATION.

As the existing law applies only to specified branches of the service deemed to be especially hazardous, it covers only about 100,000 of the Government's 400,000 employees. The bill here reported will cover all civil employees of the United States and the Panama Railroad Co., about 400,000 in all. It seemed to the committee that if an employee is injured in the performance of his duty he is entitled to compensation regardless of his occupation. This is the law in 21 of the 32 States having compensation laws. The present law, in denying compensation to an injured employee if his occupation was not "hazardous," goes counter to the theory on which all compensation acts are based, viz, that the industry shall bear the burden of injuries caused by it. In this connection it should be borne in mind that the extension of the existing law in this particular will not increase the cost in proportion, for although the number of employees covered is four times as great as under the existing law, the number of accidents will not be proportionately increased, since the accident risk in the added employments is considerably less than in the branches of service already covered.

In addition to the confusion caused by having three distinct systems of compensation in operation in different branches of the service, valuable legislative time is taken by the private claim bills which are presented to Congress when injuries occur in branches of the service not covered by the present law. Nearly 300 claims for injuries in the Government service have already been presented to this Congress. H. R. 15316 will provide one uniform system of compensation throughout the Federal service.

INJURIES TO BE COMPENSATED.

The bill provides compensation for disability or death of an employee resulting from personal injury sustained in the performance of his duty. No compensation is allowed if the injury is caused by the willful misconduct of the employee, by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death.

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AMOUNT OF COMPENSATION.

DISABILITY PAYMENTS.

Total disability, 66⅔ per cent of the monthly pay during the continuance of disability, not to exceed $66.67 a month, and not less than $33.33, unless employee's monthly pay is less than $33.33, in which case compensation is full pay.

Partial disability, 66⅔ per cent of the difference between the monthly pay at the time of the injury and the monthly wage-earning capacity after the beginning of the partial disability, not to exceed $66.67 per month. If the employee refuses to seek suitable work or refuses to work after suitable work is furnished to or secured for him by the United States, compensation shall cease.

Medical, surgical, and hospital services and supplies for a reasonable time and in a reasonable amount.

No compensation for first three days of disability, except medical, etc., services and supplies.

If employee has unused annual or sick leave he may, subject to approval of head of department, substitute it for compensation until used up.

The compensation granted by the existing law is full pay during the disability for a maximum period of one year. It is obvious that to grant a man full pay while disabled will tend to induce him to malinger, and it is equally obvious that to stop the compensation at the end of one year, although the disability is still continuing, is highly unjust. The schedule of compensation here proposed is in line with the best precedents found in State compensation acts. The States of Massachusetts, New York, and Ohio grant 66⅔ per cent of the wages, and the States of California, Kentucky, and Wisconsin provide 65 per cent, while Nevada and Texas provide 60 per cent. It is believed that any smaller percentage will not enable the injured employee to maintain his standard of living, and that a loss of one-third of the wages will be adequate inducement to the injured man to go back to work, thus avoiding the danger of malingering.

The principle of providing compensation during the continuance of the disability seemed to the committee to be the only fair method. Limiting the continuance of compensation results in throwing the injured man upon charity at the expiration of a year. It is believed that the adoption of this bill will not result in largely increased cost, but merely a more equitable adjustment of compensation to need. Statistics, for example, show that the number of cases of permanent total disability constitute only about two-tenths of 1 per cent of all accidents and the number of cases of permanent disability of any kind form but 7 per cent of the whole number of accidents. Thus, in at least 93 per cent of all accidents, the resulting incapacity will cease within a year. On these there will be a clear saving to the Government of 33⅓ per cent of the present expenditure for compensation. The Government will be enabled to apply the amount thus saved for the relief of those whose need extends for a longer period and is correspondingly serious.

The existing law makes no provision for medical attendance. The importance of prompt medical attendance both for humane reasons and in order to bring about a cure, thus saving the Government

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money, can not be overestimated, for it is well established that a small expenditure for prompt medical aid will often prevent a lingering illness with the extended compensation payments it entails.

The existing law provides that no compensation shall be paid unless the disability continues for more than 15 days. If it does so continue, the compensation is paid from the day of the injury. This provision has been productive of much injustice and has also been a direct inducement to malingering, for a man who could normally go back to work in 10 days is likely to simulate disability for some days more in order that he may receive his compensation. The proposed bill excludes the first three days of disability from compensation. Trifling injuries are thus excluded, and there seems no adequate reason for any further waiting period. Washington and Oregon have entirely dispensed with any waiting period.

DEATH PAYMENTS.

To the widow, if no child, 35 per cent of monthly pay of deceased employee until death or marriage.

To widower, if no child, 35 per cent if wholly dependent, payable until death or marriage.

To widow or widower, if there is a child, the above amounts and in addition 10 per cent for each child not to exceed a total of 66⅔ per cent for widow or widower and children. Compensation on account of any child ceases when he dies, marries, or reaches 18, or if over 18 and incapable of self-support becomes capable of self-support.

To the children, if no widow or widower, 25 per cent for one child and 10 per cent additional for each additional child not to exceed a total of 66⅔ per cent. Compensation of each child ceases when he dies, marries, or reaches 18, or if over 18 and incapable of self-support become capable of self-support.

To the parents, 25 per cent for one wholly dependent and 40 per cent if both wholly dependent. Proportionate amount if partly dependent. These percentages paid if no widow, widower, or child. If there is a widow, widower, or child, parents receive so much of these percentages as when added to total percentages payable to widow, widower, and children will not exceed total of 66⅔ per cent.

To brothers and sisters, grandparents and grandchildren, 20 per cent if one wholly dependent and 30 per cent if more than one. If no one wholly dependent and one or more partly dependent, 10 per cent divided share and share alike. These percentages paid if no widow, widower, child, or dependent parent. If there is a widow, widower, or child or dependent parent there shall be paid so much of these percentages as when added to total percentages payable to widow, widower, children, and dependent parent will not exceed total of 66⅔ per cent.

Payments to last two classes continue for eight years from the time of the death of the injured employee unless before that time the beneficiary dies, marries, or ceases to be dependent or reaches 18, or if over 18 and incapable of self-support becomes capable of self-support.

In computing compensation in case of death, the monthly pay of the injured employee shall be considered not to be more than $100 nor less than $50, but total monthly death payments shall not exceed the actual monthly pay of the employee.

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Burial expenses up to $100 and transportation of body to home in discretion of administrative officials.

The existing law grants one year's pay in a lump sum in case of death. The provisions of this bill are substantially similar to the provisions of the New York law and the laws of a number of other States, and are deemed preferable to the payment of a lump sum to the dependents, which may be squandered or unwisely invested.

COMMUTATION INTO LUMP SUMS.

In case of death or permanent disability, administrative officials may commute periodical payments into a lump sum equal to present value of all future payments if the monthly payment is less than $5 a month or if the beneficiary is or is about the become a nonresident of the United States or it is for the best interests of the beneficiary. In estimating such lump sum the probability of the beneficiary's death shall be determined according to mortality tables, but the probability of the happening of any other contingency shall be disregarded.

NOTICE OF INJURY.

No liability for compensation unless written notice within 48 hours after the injury or death, unless the administrative officials find reasonable cause for notice given later.

CLAIM FOR COMPENSATION.

No compensation allowed to any person unless he makes a claim within 60 days after the beginning of disability or within one year after the death, but administrative officials may for reasonable cause allow claim to be filed later. Claim must be made on forms furnished by administrative officials, must contain all information required by them, and must be sworn to.

MEDICAL EXAMINATION.

Injured employee required to submit to medical examination at request of administrative officials, and no compensation payable so long as refusal to submit to examination continues.

The requirement of medical examination after the injury will obviate all danger of shamming. If on examination the injured employee is found able to work, his compensation will immediately be stopped.

THIRD PERSON'S LIABILITY.

If the injury or death for which compensation is payable is caused by the negligence of some person other than the United States, the commission may require the beneficiary to assign to the United States any right of action he may have against such other person or to prosecute said action in his own name. If the commission realizes upon such cause of action, it shall, after deducting expenses and compensation already paid, pay any surplus to the beneficiary. If a beneficiary entitled to compensation pursues his right of action and

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realizes upon the same, he is required to credit upon compensation due from the United States the amount received from such other person.

ADMINISTRATIVE FEATURES OF THE BILL.

The bill provides for a commission, composed of three commissioners appointed by the President, with the advice and consent of the Senate, at a salary of $5,000 each, and with such assistants as Congress may from time to time provide to be appointed by the commission subject to civil-service requirements.

The commission is authorized to make necessary rules and regulations for the enforcement of the act and to decide all questions arising under the act. The commission is to submit a report annually to Congress and is to submit annually to the Secretary of the Treasury estimates of the appropriations needed.

The existing law is administered by the Secretary of Labor through the Bureau of Labor Statistics. Dr Meeker, the Commissioner of Labor Statistics, stated at a hearing on March 31, 1914, page 19, that in his opinion the law should not be administered by his bureau. It seemed to the committee that the administration of this act could best be performed by an independent commission. It is a matter concerning the relation between the Government as a whole and its employees as a whole, and for that reason should not be placed under the supervision of any one department. It seemed especially unwise to place the administration in the hands of the Department of Labor because that department in large measure represents, and is intended to represent, the side of labor, whereas the administrative body having charge of the proposed act should represent, and should constantly be alert to safeguard, the interests of the Government. Furthermore, one of the principal functions of the proposed commission should be the studying of causes of accidents among Government employees and the recommending to the various departments the best means of preventing such accidents. Therefore, in order to avoid any possible departmental jealousies in connection with the work it would seem best to have the commission entirely outside of any department

It is thought by the committee that the commission of three members proposed in the bill is not too large to carry on the work properly. The number of claims under the proposed bill will be largely increased and the problems coming up for determination will be intricate and difficult. Many questions will have to be decided and settled. In this connection it should be borne in mind that while the existing law provides compensation only for one year, the proposed bill provides compensation during the continuance of the disability. The commission each year, therefore, will have not only to pass upon the claims received during that year but will be under the necessity of vigilantly watching the payment of compensation for injuries occurring in past years in order to protect the interests of the Government. Nearly all the compensation acts in this country provide for administration by a commission. When it is remembered that the number of employees included within the compensation acts of most of these States is far less than the 400,000 employees covered by the proposed bill, the importance of an adequately manned commission is obvious.

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FUNDS FOR PAYMENT OF COMPENSATION.

The bill establishes a separate fund in the Treasury to be known as the employees' compensation fund. The bill appropriates $500,000 to establish this fund and provides that there shall be added to it such sums as Congress may from time to time appropriate. The commission is to submit annually to the Secretary of the Treasury estimates of appropriations needed for the maintenance of the fund.

The amount here appropriated is deemed ample for the first year. It is, indeed, thought that the expense will be somewhat less. The committee has secured an estimate of the cost under this bill prepared by the Bureau of Labor Statistics on the basis of the cost under the existing law and of the probable number of accidents which will occur in the future. (Hearings, Jan. 28, p. 48–52.)

This careful official statement shows there were 2,467 claims made during the year ending June 30, 1913, under the present law. It is estimated that under the proposed bill there might have been 2,316 cases added, but of these 1,464 were for a period varying from 3 to 15 days.

With a reduction of the rate of compensation to two-thirds of the pay, and the limitation of $66⅔ as the monthly maximum amount that any workman could receive as compensation, regardless of the amount that he may be receiving as earnings when employed, there would be afforded a degree of stimulus to return to work, while the opportunity of continuing unemployment without loss of pay would be withdrawn. It is believed, therefore, that the proposed bill would involve an expense for the first year not exceeding the amount named, namely, $500,000, and in all probability falling below it, by reason of the fact that in the $482,000 paid out in the year 1910–11, for instance, there were many cases in which the amount of compensation paid was to persons receiving in excess of $66⅔ per month as benefits.

Indeed, of the fatal compensated cases during that year under the act of May 30, 1908, 22 of the 119 received from $900 to $2,500 for the year's benefits, while of the nonfatal cases for that year 810 of the 2,818 compensated cases were of workmen receiving from $900 to $2,500. Under the bill in question no year's payment on account of an individual injury could exceed $800.

Referring now to the fact that the Government is at the present time paying out between four and five hundred thousand dollars under existing laws, which provide for full payment of wages during the term of disability, not exceeding one year, it is evident that the substitution of a law providing two-thirds pay during the term of disability would reduce the expense for the first year by one-third, in so far as the law applies to persons receiving benefits under existing laws. Inasmuch as at least one-half the additions would be for short-term disabilities, it seems probable that the extension of the law to cover all classes of employees would result in no actual increase in the amounts expended.

It was the estimate of Dr. Meeker, Commissioner of Labor Statistics, that, since the annual increment of continuing cases would be less than 8 per cent, it would take four or five years for the obligations created by the McGillicuddy bill to equal the expenditure under the present law. (Hearings, Jan. 28, p. 30.)

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Mr. Miles M. Dawson, a consulting actuary of New York, who, at the request of the committee, made an estimate of the probable cost of this bill to the Government, stated that the cost the first year would approximate one-tenth of 1 per cent of the Government pay roll and gradually rise to a maximum, to be reached in 30 years, of one-half of 1 per cent of the pay roll.

It is therefore, by the Committee on the Judiciary of the House of Representatives, recommended that said bill (H. R. 15316) do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 679.

CHANGE NAME OF STEAMER "NORMANIA" TO "WILLIAM F. STIFEL."

MAY 12, 1916.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany S. 4760.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (S. 4760) to authorize the change of the name of the steamer *Normania* to *William F. Stifel*, having considered the bill, report the same to the House with the recommendation that it do pass.

When the committee had a similar bill under consideration (H. R. 12650, which has been reported from this committee) the bill was referred to the Department of Commerce for report, and the following letter was sent to the chairman of the committee:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 30, 1916.

DEAR JUDGE ALEXANDER: I have received your letter of the 25th instant, inclosing copy of H. R. 12650, a bill to authorize the change of name of the steamer *Normania* to *William F. Stifel*, and requesting me to furnish you with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

It is not possible for the name of a vessel to be changed if there is any indebtedness against her or if she is not seaworthy. It is presumed that in this case there are bonds or other outstanding indebtedness which render a special act of Congress necessary in order to secure the change of name. It has been our practice to approve such bills provided the vessel has a certificate of inspection in force showing her seaworthiness.

Respectfully,

WILLIAM C. REDFIELD, *Secretary.*

Hon. J. W. ALEXANDER,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives.

The certificate of seaworthiness required has been furnished by the owners and is on file with the Senate Committee on Commerce.

The reason for having the name of the steamer changed is that the Ottawa Transit Co. has just purchased such steamer from the Ashtabula Steamship Co., its former owner; that no one connected with the Ottawa Transit Co. is in any way interested

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in the name *Normania* for said steamer, and that for business reasons in the management of said steamer it is the present owner's desire to change her name to *William F. Stifel;* and that it is desired that the change be made before the steamer goes into commission for the 1916 season, as otherwise there will be confusion in changing the name of the ship and her equipment, in respect to charters and in respect to her certificates required by law.

Consent of the Guardian Savings & Trust Co., as holder of the mortgage upon said steamer, has been filed, and there is also on file certificate of the collector of customs for the district of Chicago, showing the indebtedness of said steamer and particulars as to place where built, age, official number, date and place of inspection and examination, the home port, and the name of the owner of the vessel.

On June 1, 1915, the Ashtabula Steamship Co., then the owner of the *Normania*, gave a mortgage or deed of trust on the steamer to the Guardian Savings & Trust Co., of Cleveland, Ohio, as trustee, to secure an issue of bonds to the amount of $77,000. None of these bonds have yet matured or been paid, and therefore the legislation sought is necessary and, as stated, it is recommended by the committee.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 680.

BERKSHIRE COUNTY TROUT HATCHERY, MASSACHUSETTS.

MAY 12, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. J. Res. 218.]

The Committee on the Merchant Marine and Fisheries, to whom was referred House joint resolution 218, authorizing the acceptance of the Berkshire Trout Hatchery, Berkshire County, Mass., having had the same under consideration, report the resolution to the House with the recommendation that it do pass.

Hon. Allen T. Treadway, Member of Congress from Massachusetts, in whose district the Berkshire Trout Hatchery is located, submitted to the committee the following facts in support of the joint resolution:

The late John S. Scully purchased several years ago a large tract of land in the towns of New Marlboro and Great Barrington. Included in the tract was a private trout hatchery which had been maintained for some time at a high degree of efficiency. Mr. Scully took great interest in the hatchery, developed it extensively and expended upon it a considerable sum of money. It is the wish of Mr. Scully's widow to present this property to the United States as a memorial to her husband upon condition that it shall be used by the United States Bureau of Fisheries, Department of Commerce, as a fish hatchery and for experimental work in fish culture. The buildings have been enlarged, all suitable equipment supplied, and the residence of the superintendent placed in excellent condition.

There is an unfailing water supply of the finest quality and ample ponds wherein trout of various ages and sizes may be divided.

Dr. Hugh M. Smith, Commissioner of Fisheries, made a statement to the committee describing the plant and gave it as his opinion that it is worth from $40,000 to $50,000, and he is very earnest in his recommendation that the hatchery be accepted by the Government.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 681.

DEVELOPMENT OF THE SHELLFISH INDUSTRIES.

MAY 12, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BURKE, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT.

[To accompany H. R. 13001.]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 13001) to provide additional assistants in the Bureau of Fisheries, Department of Commerce, for the purpose of aiding in the development of the shellfish industries, having considered the bill, report the same to the House with the recommendation that it do pass.

The advisability of this legislation is fully set forth in the following letters, from Hon. William C. Redfield, Secretary of Commerce, and Dr. Hugh M. Smith, Commissioner of Fisheries:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 22, 1916.

MY DEAR CONGRESSMAN: In reply to your letter of March 18, requesting my opinion on H. R. 13001, providing additional assistants in the Bureau of Fisheries, I beg to advise you that the bill is in accordance with the recommendations embodied in my estimates of appropriations for the Bureau of Fisheries for the fiscal year 1917.

For several years those engaged in the oyster industries have been making increasingly insistent demands for assistance in the solution of certain serious problems which confront them, and while the department has recognized these demands as legitimate and reasonable, it has been unable to satisfy them on account of the inadequacy of the personnel of the Bureau of Fisheries.

The oyster fishery of the United States is not only the most important in the country, but it is the largest fishery in the world devoted to the capture of one species. Its value to the oysterman and oyster growers is upward of $15,000,000 annually, about 30 per cent of the entire value of the fisheries of the United States exclusive of Alaska. It gives employment to over 67,000 persons and it has ihe additional virtue of providing each year about 225,000,000 pounds of food of the proteinaceous character which is annually becoming more difficult to procure from other sources.

This fishery formerly was conducted wholly on the natural beds but as they became exhausted the oystermen, mainly by their own initiative and enterprise, developed a system of oyster culture which has saved the industry from commercial extinction and which now produces a product valued at about $10,000,000 annually. With the

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inadequate assistance which it has been possible for the Bureau of Fisheries to render and with the advice and encouragement which present limitations on the knowledge of the subject would permit the bureau to afford, these men have solved many of the fundamental problems, but oyster growing in many sections of the country has now reached its utmost practical limit under present conditions.

With a more accurate understanding of the conditions controlling the spawning, development and set of young oysters, of the factors which cause the adults to fatten and become fit for market, and of the most efficient and economical means of protecting the beds from enemies, there is no immediate limit to the possible increase in the production of oysters. The data required can be obtained only through painstaking research and experiment which the oyster growers are not in a position to conduct. Moreover, it is not to the public interest that any one person or limited group of persons should possess this information exclusively. In the interests of both the oyster industry and the consuming public such data should be public property, and, therefore, not only is the work itself economically important, but it must and should be conducted under Government auspices.

In conclusion I desire to point out that, considering the importance of the oyster industry, the amount involved is insignificant and but a fraction of that which Congress authorizes for the propagation of bass and trout whose value lies in the sport which they afford rather than in their great value as a food resource for the people in general.

I earnestly recommend the passage of this bill.

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

Hon. JOSHUA W. ALEXANDER,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

DEPARTMENT OF COMMERCE,
BUREAU OF FISHERIES,
Washington, March 20, 1916.

Hon. JOSHUA W. ALEXANDER,
Chairman Committee on the Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your request for an expression of opinion on H. R. 13001, a bill to provide additional assistance in the Bureau of Fisheries, etc., I beg to advise that the deficiency in personnel which this bill purposes to correct is one of the most serious in the service of the bureau.

The oyster fishery produces approximately 30 per cent of the value of all the fisheries of the United States, excluding Alaska, but, from its peculiar nature, it is excluded from most of the benefits which have accrued to the fisheries in general from the operations and activities of this bureau.

Owing to the fact that the oyster is a sessile organism, anchored for at least part of its life to some object attached to the bottom, and on account of the many perils to which the oyster fry is subjected before it settles down to this condition, the fishery is not susceptible to development through the ordinary methods of fish culture, such as have proved beneficial in dealing with ordinary fishes. The fishery was originally developed on the natural beds, but as these became depleted through the heavy demands made on them the oystermen resorted to practices which have resulted in the development of oyster culture under private auspices. The barren bottoms of the coastwise States are leased usually on a moderate annual rental paid to the State, and the holders of these leases have the right to the products raised on such bottoms.

On their own initiative and almost unaided they have developed an industry which now produces a product having a first value of approximately $10,000,000 per annum. With such aid as the insufficient resources of this bureau would permit, they have worked out many of the primary problems, but they are now confronted with difficulties which they are not in a position to solve. These difficulties result in annual losses, both direct and indirect, which have been estimated to amount to several million dollars per annum, and the oyster growers are now demanding that the Government should extend to their industry some measure of the aid which it is furnishing to the other fisheries. This can be done only through the medium of research and experiment, and the qualified personnel of the bureau is such that it is impossible to extend this. The bureau has recognized for a number of years that there was a certain amount of injustice in the treatment accorded to the oystermen,

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and its estimates for several years past have included items for additional personnel which would have enabled it to correct this condition.

There is a very real necessity for the creation of the two assistantships provided in the bill under discussion. It is believed that important economic results would accrue from work of the character contemplated, and I most earnestly recommend that your committee give the bill favorable consideration.

Yours, very truly,

H. M. SMITH, *Commissioner*.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 684.

IMPORTED MERCHANDISE AT NORTHPORT, CHOPAKA, AND LAURIER, WASH.

MAY 13, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KITCHIN, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 12954.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 12954) for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry and delivery for immediate transportation without appraisement of dutiable merchandise, having had the same under consideration, report it back to the House with amendments as follows:

In line 3, strike out the words "and seventh sections" and insert in lieu thereof the word "section."

In line 2 of the title, strike out the words "and delivery."

And as so amended the committee recommend that the bill do pass.

The enactment into law of this bill as amended will make it possible for merchandise destined to a port having the privileges of section 7 of the act of June 10, 1880, to pass direct through Northport, Chopaka, or Laurier for appraisal at the port having the privileges of section 7.

The letter of the Acting Secretary of the Treasury regarding this measure is hereto attached and made a part of this report:

TREASURY DEPARTMENT,
Washington, April 17, 1916.

Hon. CLAUDE KITCHIN,
Chairman Committee on Ways and Means, House of Representatives.

MY DEAR MR. KITCHIN: I have the honor to refer further to your letter of the 13th ultimo, inclosing a bill (H. R. 12954) to extend to Northport, Chopaka, and Laurier, in the State of Washington, the privileges of the first and seventh sections of the act approved June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise.

An investigation has been made as to the necessity for extending to the places named the privileges of the said sections, and it has been found that the extension of the provisions of the first section of the act will facilitate the disposition of merchandise and baggage arriving at said places destined for ports of delivery under the

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seventh section of the act, especially Spokane and other ports in the district of Washington.

It does not appear, however, that it is either necessary or desirable to extend to either of said places the privileges of the seventh section of the act, as there is no demand to forward goods in bond to the said places, and there would probably be no transactions thereunder.

In view of the foregoing, I have to recommend that the bill be amended by striking out any reference to the seventh section of the act, and that the bill as amended to extend to said places the privileges of the first section of the said act be enacted into law.

Very truly, yours,

B. P. NEWTON, *Acting Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 685.

WINSTON-SALEM, N. C., PORT OF DELIVERY.

MAY 13, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KITCHIN, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany S. 5708.]

The Committee on Ways and Means, to whom was referred the bill (S. 5708) extending to Winston-Salem, N. C., the privileges of the seventh section of the act of June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

The purpose of this bill is to extend to Winston-Salem, N. C., the privilege of section 7 of the act of June 10, 1880, so that merchandise destined for Winston-Salem may pass direct to said place for appriasement.

The letter of the Acting Secretary of the Treasury regarding H. R. 14969, which is an exact duplicate of this measure, is hereto attached and made a part of this report:

TREASURY DEPARTMENT,
Washington, May 10, 1916.

Hon. CLAUDE KITCHIN,
Chairman Committee on Ways and Means, House of Representatives.

MY DEAR MR. KITCHIN: I have to acknowledge the receipt of your letter of the 3d instant, transmitting a bill (H. R. 14969) to make Winston-Salem, N. C., a port of delivery under the act of June 10, 1880, governing the immediate transportation without appraisement of dutiable merchandise, and requesting such suggestions as may be deemed proper regarding the merits of the bill and the propriety of its passage.

The department has recently conducted an investigation with a view to determining whether or not Winston-Salem should be designated by Executive order as a port of entry, customs collection district No. 15. It was found that a commercial necessity existed which would warrant the making of said place a port of entry, and an Executive order to that effect was signed by the President on April 24 last.

As the R. J. Reynolds Tobacco Co., located at Winston-Salem, will desire to import tobacco, sugar, and other materials for use in the making of their products, the department is of the opinion that Winston-Salem should be made a port of delivery under the provisions of June 10, 1880, and I therefore recommend that the bill be enacted into law.

Very truly, yours,

B. R. NEWTON, *Acting Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 687.

STORING AND CLEANING IMPORTED MEXICAN PEAS FOR EXPORTATION.

MAY 13, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KITCHIN, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany S. 3536.]

The Committee on Ways and Means, to whom was referred Senate bill (S. 3536) to provide for the storage and cleaning of imported Mexican peas for exportation, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 688.

WATER LIMITATION IN DISTILLERIES.

MAY 13, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ALLEN, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany H. R. 9542.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 9542) which proposes to remove the water limitation in distilleries using the filtration-aeration process, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

This bill was introduced late in the second session of the Sixty-third Congress, and the amendment suggested by the Treasury Department in the letter hereinafter set forth is identical with the bill H. R. 9542.

The purpose of this bill is to enable distilleries using what is known as the filtration-aeration process to use an unlimited amount of water in extracting from the grain those ingredients which produce yeast and alcohol.

The law now provides that in distilleries where the filtration-aeration process is used 70 gallons of beer brewed or fermented from grain shall represent not less than a bushel of grain.

The meaning and effect of this is that the distiller is prohibited from using more than 70 gallons of water for each bushel of grain of any kind required in the process of manufacturing yeast and alcohol.

Before the passage of the law permitting the distiller to use 70 gallons of water to the bushel, he could use only 45 gallons to the bushel and this latter quantity of water was found to be sufficient before the use of the filtration-aeration process.

After the adoption of this process it was found that 45 gallons of water were wholly insufficient to accomplish the extraction of a sufficient amount of the ingredients of the grain required for the manufacture of yeast and alcohol to justify its use, and that this limitation resulted in the waste of at least 15 per cent of the whole and also a loss to the Government in revenue.

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The change in the law increasing the amount of water used to the bushel of grain from 45 gallons to 70 gallons resulted in the receipt of revenue to the Government from one company alone of $500,000 per annum, and it is estimated that the passage of this act will increase the annual revenue from this company more than $120,000.

When the original act of March 1, 1879, was passed prescribing a limit upon the amount of water which a distiller could use, the filtration-aeration process was not in use in this country, and that method was devised for the purpose of regulating distilleries employing an entirely different method.

It was thought to be necessary to make such a regulation in order to protect the Government revenue in distilleries of that kind, but it seems to be quite clear that there is no necessity for such a regulation in the case of distilleries using the filtration-aeration process, and it can really afford no protection to the Government in distilleries of that sort.

But in any event, in order to make sure that the Government revenue will not suffer as a result of the elimination of the restrictions as to the amount of water to be used, this bill provides that the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury shall be authorized to prescribe by regulation to be made by him such character of surveys as he may find suitable for distilleries using the filtration-aeration process.

The letter of the Secretary of the Treasury with reference to H. R. 21220, introduced during the Sixty-third Congress, is hereto appended and made a part of this report. The proposed amendment suggested in this letter is identical with the bill H. R. 9542.

TREASURY DEPARTMENT,
Washington, February 6, 1915.

The CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS,
House of Representatives.

SIR: I have the honor to return herewith the copy of the bill H. R. 21220, with reference to the surveys of distilleries, submitted with your letter of the 2d instant for suggestions with regard to the merits of the same and the propriety of its passage, and to inclose for your consideration a proposed amendment to the law in question drawn up by the Commissioner of Internal Revenue, with recommendation that it be substituted for the amendment proposed in the bill introduced on the 28th ultimo, herein referred to.

If the change suggested is made in the bill, the department will offer no objection to its passage.

Respectfully,

W. G. MCADOO, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 689

LOSS OF ALCOHOL BY ACCIDENT DURING TRANSPORTATION.

MAY 13, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ALLEN, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany S. 3861.]

The Committee on Ways and Means, to whom was referred the bill (S. 3861) providing for an allowance for leakage or loss by any accident of spirits while in transit from a distillery warehouse to a central denaturing warehouse, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

The act of March 2, 1907, is construed by the Treasury Department to require the collection of internal-revenue taxes upon spirits withdrawn tax free thereunder and lost by accident while in transit to a central denaturing warehouse. Under this construction the result is that if the alcohol withdrawn reaches its destination and is denatured it is not taxable, but if while en route to the denaturing warehouse it is destroyed by accident it is taxable. The purpose of the proposed bill is to remedy the aforementioned defect in the present law.

The letter of the Acting Secretary of the Treasury relative to this measure is hereto attached and made a part of this report.

TREASURY DEPARTMENT,
Washington, April 1, 1916.

Hon. CLAUDE KITCHIN,
Chairman Committee on Ways and Means, House of Representatives.

MY DEAR MR. CHAIRMAN: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, inclosing for my examination and opinion as to its merits a bill (S. 3861) providing for an allowance for leakage or loss by any accident of spirits while in transit from a distillery warehouse to a central denaturing warehouse.

Under existing law (act Dec. 20, 1879, 21 Stat., 59; and act May 28, 1880, 21 Stat., 145) like allowances are made for spirits lost in transit from internal-revenue bonded warehouses to ports of export or to bonded manufacturing warehouses; and, in view of these provisions of law, I see no objection to the bill now submitted, and would recommend its passage.

Respectfully,

BYRON R. NEWTON, *Acting Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 695.

TO INCREASE THE EFFICIENCY OF THE MILITARY ESTABLISHMENT OF THE UNITED STATES.

MAY 16, 1916.—Ordered to be printed.

Mr. HAY, from the committee of conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 12766.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment to the title of the bill and agree to the same.

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

In lieu of the matter proposed by the amendment of the Senate insert the following:

That the Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserve Corps, the National Guard while in the service of the United States, and such other land forces as are now or may hereafter be authorized by law.

SEC. 2. COMPOSITION OF THE REGULAR ARMY.—The Regular Army of the United States, including the existing organizations, shall consist of sixty-four regiments of Infantry, twenty-five regiments of Cavalry, twenty-one regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, army corps, and army headquarters, with their detachments and troops, a General Staff Corps, an Adjutant General's Department, an Inspector General's Department, a Judge Advocate General's Department, a Quartermaster Corps, a Medical Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Bureau of Insular Affairs, the Militia Bureau, the detached officers, the detached noncommissioned officers,

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the chaplains, the Regular Army Reserve, all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers; the professors, the Corps of Cadets, the general Army service detachment, and detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit depot detachments, and unassigned recruits; the service school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as are now or may be hereafter provided for: *Provided*, That hereafter the enlisted personnel of all organizations of the Regular Army shall at all times be maintained at a strength not below the minimum strength fixed by law: *Provided further*, That the total enlisted force of the line of the Regular Army, excluding the Philippine Scouts and the enlisted men of the Quartermaster Corps, of the Medical Department, and of the Signal Corps, and the unassigned recruits, shall not at any one time, except in the event of actual or threatened war or similar emergency in which the public safety demands it, exceed one hundred and seventy-five thousand men: *Provided further*, That the unassigned recruits at depots or elsewhere shall at no time, except in time of war, exceed by more than seven per centum the total authorized enlisted strength.

SEC. 3. COMPOSITION OF BRIGADES, DIVISIONS, AND SO FORTH.—The mobile troops of the Regular Army of the United States shall be organized, as far as practicable, into brigades and divisions. The President is authorized, in time of actual or threatened hostilities, or when in his opinion the interests of the public service demand it, to organize the brigades and divisions into such army corps or armies as may be necessary. The typical Infantry brigade shall consist of a headquarters and three regiments of Infantry. The typical Cavalry brigade shall consist of a headquarters and three regiments of Cavalry. The typical Field Artillery brigade shall consist of a headquarters and three regiments of Field Artillery. The typical Infantry division shall consist of a headquarters, three Infantry brigades, one regiment of Cavalry, one Field Artillery brigade, one regiment of Engineers, one field signal battalion, one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical Cavalry division shall consist of a headquarters, three Cavalry brigades, one regiment of Field Artillery (horse), one battalion of mounted Engineers, one field signal battalion (mounted), one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical army corps shall consist of a headquarters, two or more infantry divisions, one or more Cavalry brigades or a Cavalry division, one Field Artillery brigade, one telegraph battalion, and one field signal battalion, and such ammunition, supply, engineer, and sanitary trains as the President may deem necessary. A brigade, a division, an army corps, and an army headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. Each supply train, ammunition train, sanitary train, and engineer train shall consist of such officers and enlisted men and shall be organized as the President may prescribe, the line officers necessary therewith to

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be detailed under the provisions of sections twenty-six and twenty-seven, Act of Congress approved February second, nineteen hundred and one. Nothing herein contained, however, shall prevent the President from increasing or decreasing the number of organizations prescribed for the typical brigades, divisions, and army corps, or from prescribing new and different organizations and personnel as the efficiency of the service may require.

SEC. 4. GENERAL OFFICERS OF THE LINE.—Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line; officers commissioned to and holding in the Army an office other than that of a general officer, but to which the rank of a general officer is attached, shall be known as general officers of the staff. The number of general officers of the line now authorized by law is hereby increased by four major generals and nineteen brigadier generals: *Provided*, That hereafter in time of peace major generals of the line shall be appointed from officers of the grade of brigadier general of the line, and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line of the Regular Army.

SEC. 5. THE GENERAL STAFF CORPS.—The General Staff Corps shall consist of one Chief of Staff, detailed in time of peace from major generals of the line; two Assistants to the Chief of Staff, who shall be general officers of the line, one of whom, not above the grade of brigadier general, shall be the president of the Army War College; ten colonels; ten lieutenant colonels; fifteen majors; and seventeen captains, to be detailed from corresponding grades in the Army, as in this section hereinafter provided. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps officers shall return to the branch of the Army in which they hold permanent commissions, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in time of actual or threatened hostilities. Section twenty-seven of the Act of Congress approved February second, nineteen hundred and one, shall apply to each position vacated by officers below the grade of general officer detailed in the General Staff Corps.

Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia. All officers detailed in said corps shall be exclusively employed in the study of military problems, the preparation of plans for the national defense and the utilization of the military forces in time of war, in investigating and reporting upon the efficiency and state of preparedness of such forces for service in peace or war, or on appropriate general staff duties in connection with troops, including the National Guard, or as military attachés in foreign countries, or on other duties, not of an administrative nature, on which they can be lawfully and properly employed: *Provided*, That no officer shall be detailed as a member of the General Staff Corps, other than the Chief of Staff and the general officers herein provided for as assistants to the Chief of Staff, except upon

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the recommendation of a board of five officers not below the rank of colonel, who shall be selected by the President or the Secretary of War, and neither the Chief of Staff nor more than two other members of the General Staff Corps, nor any officer not a member of said corps, who shall have been stationed or employed on any duty in or near the District of Columbia within one year prior to the date of convening of any such board, shall be detailed as a member thereof. No recommendation made by any such board shall, for more than one year after the making of such recommendation or at any time after the convening of another such board, unless again recommended by the new board, be valid as a basis for the detail of any officer as a member of the General Staff Corps; and no alteration whatever shall be made in any report or recommendation of any such board, either with or without the consent of members thereof, after the board shall have submitted such report or recommendation and shall have adjourned sine die: *Provided further*, That the War College shall remain fully subject to the supervising, coordinating, and informing powers conferred by law upon members of the General Staff Corps, and officers for duty as instructors or students in or as attachés of said college may be selected and detailed freely from among members of said corps, but any officer so selected and detailed other than one director shall thereupon cease to be a member of said corps and shall not be eligible for redetail therein so long as he shall remain on said duty; and no officer on the active list of the Army shall, for more than thirty days in any calendar year, be attached to or assigned to duty in the War College in any capacity other than that of president, director, instructor, or student, nor, unless a member of the General Staff Corps, be attached to or employed in the office of the Chief of Staff: *Provided further*, That the organizations heretofore existing in or in connection with the office of the Chief of Staff under the designations of the mobile army division and the Coast Artillery division be, and they are hereby, abolished and shall not be reestablished. The business heretofore transacted in said divisions, except such as comes clearly within the general powers specified in and conferred upon members of the General Staff Corps by the organic Act of Congress approved February fourteenth, nineteen hundred and three, is hereby transferred as follows, to wit, to the office of the Chief of Coast Artillery, all business apportioned to that office by law or Army regulations at the time of the creation of the Coast Artillery division of the office of the Chief of Staff; to the office of The Adjutant General or other bureau or bureaus concerned, all other business; and, subject to the exercise of the supervising, coordinating, and informing powers conferred upon members of the General Staff Corps by the Act of Congress last hereinbefore cited, the business transferred by this proviso to certain bureaus or offices shall hereafter be transacted exclusively by or under the direction of the respective heads thereof; and the Chief of Coast Artillery shall be an additional member of the General Staff Corps and shall also be adviser to and informant of the Chief of Staff in respect to the business under his charge: *Provided further*, That hereafter members of the General Staff Corps shall be confined strictly to the discharge of the duties of the general nature of those specified for them in this section and in the organic Act of

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Congress last hereinbefore cited, and they shall not be permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department, or that, being assumed or engaged in by members of the General Staff Corps, would involve impairment of the responsibility or initiative of such bureaus or offices, or would cause injurious or unnecessary duplication of or delay in the work thereof: *Provided further*, That all pay and allowances shall be forfeited by any superior for any period during which, by his order or his permission, or by reason of his neglect, any subordinate shall violate any of the foregoing provisions of this section: *Provided further*, That if any officer detailed in the General Staff Corps, or as an officer of any staff corps or department of the Army, shall be promoted to the next higher grade while so serving he may be permitted to serve out the period of his detail, and the number of officers in the organization in which he shall be serving and in the grade to which he shall have been promoted shall be increased by one for such time as he shall be an additional number in said organization and grade; but the whole number of officers detailed to said organization shall at no time exceed the aggregate of the numbers allowed to the several grades thereof by law other than this proviso.

SEC. 6. THE ADJUTANT GENERAL'S DEPARTMENT.—The Adjutant General's Department shall consist of The Adjutant General with the rank of brigadier general; seven adjutants-general with the rank of colonel; thirteen adjutants-general with the rank of lieutenant colonel; and thirty adjutants-general with the rank of major.

SEC. 7. THE INSPECTOR GENERAL'S DEPARTMENT.—The Inspector General's Department shall consist of one Inspector General with the rank of brigadier general; four inspectors-general with the rank of colonel; eight inspectors-general with the rank of lieutenant colonel; and sixteen inspectors-general with the rank of major.

SEC. 8. THE JUDGE ADVOCATE GENERAL'S DEPARTMENT.—The Judge Advocate General's Department shall consist of one Judge Advocate General with the rank of brigadier general; four judge advocates with the rank of colonel; seven judge advocates with the rank of lieutenant colonel; and twenty judge advocates with the rank of major: *Provided*, That acting judge advocates may be detailed under the provisions of existing law for separate brigades and for separate general court-martial jurisdictions, and when not immediately required for service with a geographical department, tactical division, separate brigade, or other separate general court-martial jurisdiction, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require: *Provided further*, That, of the vacancies created in the Judge Advocate General's Department by this Act, one such vacancy, not below the grade of major, shall be filled by the appointment of a person from civil life, not less than forty-five nor more than fifty years of age, who shall have been for ten years a judge of the Supreme Court of the Philippine Islands, shall have served for two years as a captain in the Regular or Volunteer Army, and shall be proficient in the Spanish language and laws: *Provided further*, That so much of the Act of Congress approved August twenty-fourth, nineteen hundred and twelve, as relates to the detachment or detail of officers for duty in the Judge

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Advocate General's Department shall hereafter be held to apply only to the acting judge advocates authorized by law; and hereafter no officer shall be or remain detached from any command or assigned to any duty or station with intent to enable or aid him to pursue the study of law: *And provided further*, That no officer of the Judge Advocate General's Department below the rank of colonel shall be promoted therein until he shall have successfully passed a written examination before a board consisting of not less than two officers of the Judge Advocate General's Department, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: *Provided*, That should any officer in the grade of major of the Judge Advocate General's Department fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of two officers of the Judge Advocate General's Department superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall be honorably discharged from the service with one year's pay. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted: *Provided further*, That any lieutenant colonel of the Judge Advocate General's Department who, at his first examination for promotion to the grade of colonel, has been found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank as are or may become eligible to promotion under existing law during the period of his suspension; and any such officer suspended from promotion shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty in either examination, he shall be retired, with the rank to which his seniority entitled him to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason in the second examination, he shall be retired without promotion.

SEC. 9. THE QUARTERMASTER CORPS.—The Quartermaster Corps shall consist of one Quartermaster General with the rank of major general; two assistants to the Quartermaster General with the rank of brigadier general; twenty-one colonels; twenty-four lieutenant colonels; sixty-eight majors; one hundred and eighty captains; and the pay clerks now in active service, who shall hereafter have the

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rank, pay, and allowances of a second lieutenant, and the President is hereby authorized to appoint and commission them, by and with the advice and consent of the Senate, second lieutenants in the Quartermaster Corps, United States Army. The total enlisted strength of the Quartermaster Corps and the number in each grade shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of quartermaster sergeants, senior grade; quartermaster sergeants; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates. The number in the various grades shall not exceeed the following percentages of the total authorized enlisted strength of the Quartermaster Corps, namely: Quartermaster sergeants, senior grade, five-tenths of one per centum; quartermaster sergeants, six per centum; sergeants, first class, two and five-tenths per centum; sergeants, twenty-five per centum; corporals, ten per centum; privates, first class, forty-five per centum; privates, nine per centum; cooks, two per centum: *Provided*, That the master electricians now authorized by law for the Quartermaster Corps shall hereafter be known as quartermaster sergeants, senior grade, and shall be included in the number of quartermaster sergeants, senior grade, herein authorized: *And provided further*, That all work pertaining to construction and repair that has heretofore been done by or under the direction of officers of the Quartermaster Corps shall, except as otherwise now provided by laws or regulations, hereafter be done by or under the direction of officers of said corps.

SEC. 10. THE MEDICAL DEPARTMENT.—The Medical Department shall consist of one Surgeon General, with the rank of major general during the active service of the present incumbent of that office, and thereafter with the rank of brigadier general, who shall be chief of said department, a Medical Corps, a Medical Reserve Corps within the limit of time fixed by this Act, a Dental Corps, a Veterinary Corps, and enlisted force, the Nurse Corps and contract surgeons as now authorized by law, the commissioned officers of which shall be citizens of the United States.

The Medical Corps shall consist of commissioned officers below the grade of brigadier general, proportionally distributed among the several grades as in the Medical Corps now established by law. The total number of such officers shall approximately be equal to, but not exceed, except as hereinafter provided, seven for every one thousand of the total enlisted strength of the Regular Army authorized from time to time by law: *Provided*, That if by reason of a reduction by law in the authorized enlisted strength of the Army aforesaid the total number of officers in the Medical Corps commissioned previously to such reduction shall for the time being exceed the equivalent of seven to one thousand of such reduced enlisted strength no original appointment to commissioned rank in said corps shall be made until the total number of commissioned officers thereof shall have been reduced below the equivalent of seven to the thousand of the said reduced enlisted strength, nor thereafter so as to make the total number of commissioned officers thereof in excess of the equivalent of seven to the thousand of said reduced enlisted strength; and no promotion shall be made above the grade of captain in said corps until the number of officers in the grade above that of captain

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to which the promotion is due shall have been reduced below the proportional number authorized for such grade on the basis of the reduced enlisted strength, nor thereafter so as to make the number of officers in such grade in excess of the proportional number authorized on the basis of said reduced enlisted strength: *Provided further*, That when in time of war the Regular Army shall have been increased by virtue of the provisions of this or any other Act, the medical officers appointed to meet such increase shall be honorably discharged from the service of the United States when the reduction of the enlisted strength of the Army shall take place: *Provided further*, That persons hereafter commissioned in the Medical Corps shall be citizens of the United States between the ages of twenty-two and thirty years and shall be promoted to the grade of captain upon the completion of five years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion to the grade of captain in the Medical Corps: *Provided further*, That relative rank among captains in the Medical Corps, who have or shall have attained that rank by operation of law after a period of service fixed thereby, shall be determined by counting all the service rendered by them as officers in said corps and as assistant surgeons in the Regular Army, subject, however, to loss of files by reason of sentence of court-martial or by reason of failure to pass examination for promotion: *Provided further*, That hereafter the President shall be authorized to detail not to exceed five officers of the Medical Department of the Army for duty with the military relief division of the American National Red Cross.

The enlisted force of the Medical Department shall consist of the following personnel, who shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law: Master hospital sergeants, hospital sergeants, sergeants (first-class), sergeants, corporals, cooks, horseshoers, saddlers, farriers, mechanics, privates (first class), and privates: *Provided*, That master hospital sergeants shall be appointed by the Secretary of War, but no person shall be appointed master hospital sergeant until he shall have passed a satisfactory examination under such regulations as the Secretary of War may prescribe before a board of one or more medical officers as to his qualifications for the position, including knowledge of pharmacy, and demonstrated his fitness therefor by service of not less than twelve months as hospital sergeant or sergeant, first class, Medical Department, or as sergeant, first class, in the Hospital Corps now established by law; and no person shall be designated for such examination except by written authority of the Surgeon General: *Provided further*, That original enlistments for the Medical Department shall be made in the grade of private, and reenlistments and promotions of enlisted men therein, except as hereinbefore prescribed, and transfers thereto from the enlisted force of the line or other staff departments and corps of the Army shall be governed by such regulations as the Secretary of War may prescribe: *Provided further*, That the enlisted men of the Hospital Corps who are in active service at the time of the approval of this Act are hereby transferred to the corresponding grades of the Medical Department established by this Act: *Provided further*, That the total number of enlisted men in the Medical Department shall be approximately equal to, but not exceed, ex-

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cept as hereinafter provided, the equivalent of five per centum of the total enlisted strength of the Army authorized from time to time by law: *Provided further*, That in time of actual or threatened hostilities, the Secretary of War is hereby authorized to enlist or cause to be enlisted in the Medical Department such additional number of men as the service may require: *Provided further*, That the number of enlisted men in each of the several grades designated below shall not exceed, except as hereinafter provided, the following percentages of the total authorized enlisted strength of the Medical Department, to wit: Master hospital sergeants, one-half of one per centum; hospital sergeants, one-half of one per centum; sergeants, first class, seven per centum; sergeants, eleven per centum; corporals, five per centum; and cooks, six per centum: *Provided further*, That the number of horseshoers, saddlers, farriers, and mechanics in the Medical Department shall not exceed one each to each authorized ambulance company or like organization: *Provided further*, That in said department the number of privates, first class, shall not exceed twenty-five per centum of the number of privates: *Provided further*, That if by reason of a reduction by operation of law in the authorized enlisted strength of the Army aforesaid the number of noncommissioned officers of any grade in the Medical Department whose warrants were issued previously to such reduction shall for the time being exceed the percentage hereinabove specified for such grade, no promotion to such grade shall be made until the percentage of noncommissioned officers therein shall have been reduced below that authorized for such grade on the basis of the said reduced enlisted strength, nor thereafter so as to make the percentage of noncommissioned officers therein in excess of the percentage authorized on the basis of the said reduced enlisted strength; but noncommissioned officers may be reenlisted in the grades held by them previously to such reduction regardless of the percentages aforesaid; and when under this provision the number of noncommissioned officers of any grade exceeds the percentage specified, any noncommissioned officer thereof, not under charges, may be discharged on his own application: *Provided further*, That privates, first class, of the Medical Department shall be eligible for ratings for additional pay as follows: As dispensary assistant, $2 a month; as nurse, $3 a month; as surgical assistant, $5 a month: *Provided further*, That no enlisted man shall receive more than one rating for additional pay under the provisions of this section, nor shall any enlisted man receive any additional pay under such rating unless he shall have actually performed the duties for which he shall be rated.

The President is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental surgeons, who are citizens of the United States between the ages of twenty-one and twenty-seven years, at the rate of one for each one thousand enlisted men of the line of the Army. Dental surgeons shall have the rank, pay, and allowances of first lieutenants until they have completed eight years' service. Dental surgeons of more than eight but less than twenty-four years' service shall, subject to such examination as the President may prescribe, have the rank, pay, and allowances of captains. Dental surgeons of more than twenty-four years' service shall, subject to such examination as the President

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may prescribe, have the rank, pay, and allowances of major: *Provided*, That the total number of dental surgeons with rank, pay, and allowances of major shall not at any time exceed fifteen: *And provided further*, That all laws relating to the examination of officers of the Medical Corps for promotion shall be applicable to dental surgeons.

Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

SEC. 11. CORPS OF ENGINEERS.—The Corps of Engineers shall consist of one Chief of Engineers, with the rank of brigadier general; twenty-three colonels; thirty lieutenant colonels; seventy-two majors; one hundred and fifty-two captains; one hundred and forty-eight first lieutenants; seventy-nine second lieutenants; and the enlisted men hereinafter enumerated. The Engineer troops of the Corps of Engineers shall consist of one band, seven regiments, and two mounted battalions.

Each regiment of Engineers shall consist of one colonel; one lieutenant colonel; two majors; eleven captains; twelve first lieutenants; six second lieutenants; two master engineers, senior grade; one regimental sergeant major; two regimental supply sergeants; two color sergeants; one sergeant bugler; one cook; one wagoner for each authorized wagon of the field and combat train, and two battalions.

Each battalion of a regiment of Engineers shall consist of one major, one captain, one battalion sergeant major; three master engineers, junior grade; and three companies. Each Engineer company (regimental) shall consist of one captain; two first lieutenants; one second lieutenant; one first sergeant; three sergeants, first class; one mess sergeant; one supply sergeant; one stable sergeant; six sergeants; twelve corporals; one horseshoer; two buglers; one saddler; two cooks; nineteen privates, first class; and fifty-nine privates: *Provided*, That the President may, in his discretion, increase a regiment of Engineers by two master engineers, senior grade, and two sergeants; each battalion of a regiment of Engineers by three master engineers, junior grade; and each Engineer company (regimental) by two sergeants, six corporals, one cook, twelve privates, first class, and thirty-four privates.

The Engineer band shall consist of one band leader; one assistant band leader; one first sergeant; two band sergeants; four band corporals; two musicians, first class; four musicians, second class; thirteen musicians, third class; and two cooks.

Each battalion of mounted Engineers shall consist of one major; five captains; seven first lieutenants; three second lieutenants; one master engineer, senior grade; one battalion sergeant major; one battalion supply sergeant; three master engineers, junior grade; one corporal; one wagoner for each authorized wagon of the field and combat train; and three mounted companies. Each mounted

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Engineer company shall consist of one captain; two first lieutenants; one second lieutenant; one first sergeant; two sergeants, first class; one mess sergeant; one supply sergeant; one stable sergeant; four sergeants; eight corporals; two horseshoers; one saddler; two cooks; two buglers; twelve privates, first class; and thirty-seven privates: *Provided*, That the President may, in his discretion, increase the battalions of mounted Engineers by one master engineer, senior grade; two sergeants; and three master engineers, junior grade; and a mounted Engineer company by two sergeants; three corporals; eight privates, first class; and twenty-four privates: *Provided further*, That appropriate officers to command the regiments, battalions, and companies herein authorized and for duty with and as staff officers of such organizations shall be detailed from the Corps of Engineers, and shall not be in excess of the numbers in each grade enumerated in this section. The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army.

SEC. 12. THE ORDNANCE DEPARTMENT.—The Ordnance Department shall consist of one Chief of Ordnance, with the rank of brigadier general; ten colonels; fifteen lieutenant colonels; thirty-two majors; forty-two captains; forty-two first lieutenants; the ordnance sergeants, as now authorized by law, and such other enlisted men of grades now authorized by law as the President may direct: *Provided*, That ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officer: *Provided further*, That vacancies which may occur in the commissioned personnel of the Ordnance Department shall be subject to the provisions of sections twenty-six and twenty-seven of the Act approved February second, nineteen hundred and one, the Acts approved June twenty-fifth, nineteen hundred and six, and February twenty-fourth, nineteen hundred and fifteen, and Acts amendatory thereof relating to the Ordnance Department: *Provided further*, That hereafter the Secretary of War is authorized to detail not to exceed thirty lieutenants from the Army at large for duty as student officers in the establishment of the Ordnance Department for a period of two years; and the completion of the prescribed course of instruction shall constitute the examination for detail in the Ordnance Department.

SEC. 13. THE SIGNAL CORPS.—The Signal Corps shall consist of one Chief Signal Officer, with the rank of brigadier general; three colonels; eight lieutenant colonels; ten majors; thirty captains; seventy-five first lieutenants; and the aviation section, which shall consist of one colonel; one lieutenant colonel; eight majors; twenty-four captains; and one hundred and fourteen first lieutenants, who shall be selected from among officers of the Army at large of corresponding grades or from among officers of the grade below, exclusive of those serving by detail in staff corps or departments, who are qualified as military aviators, and shall be detailed to serve as aviation officers for periods of four years unless sooner relieved; and the provisions of section twenty-seven of the Act of Congress approved February second, nineteen hundred and one, are hereby extended to apply to said aviation officers and to vacancies created in

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any arm, corps, or department of the Army by the detail of said officers therefrom; but nothing in said Act or in any other law now in force shall be held to prevent the detail or redetail at any time, to fill a vacancy among the aviation officers authorized by this Act, of any officer who, during prior service as an aviation officer of the aviation section, shall have become proficient in military aviation.

Aviation officers may, when qualified therefor, be rated as junior military aviators or as military aviators, but no person shall be so rated until there shall have been issued to him a certificate to the effect that he is qualified for the rating, and no certificate shall be issued to any person until an aviation examining board, which shall be composed of three officers of experience in the aviation service and two medical officers, shall have examined him, under general regulations to be prescribed by the Secretary of War and published to the Army by the War Department, and shall have reported him to be qualified for the rating. No person shall receive the rating of military aviator until he shall have served creditably for three years as an aviation officer with the rating of a junior military aviator.

Each aviation officer authorized by this Act shall, while on duty that requires him to participate regularly and frequently in aerial flights, receive an increase of twenty-five per centum in the pay of his grade and length of service under his commission. Each duly qualified junior military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of fifty per centum in the pay of his grade and length of service under his commission. Each military aviator shall, while so serving, have the rank, pay, and allowances of one grade higher than that held by him under his commission if his rank under said commission be not higher than that of captain, and while on duty requiring him to participate regularly and frequently in aerial flights he shall receive in addition an increase of seventy-five per centum of the pay of his grade and length of service under his commission: *Provided further*, That the provisions of the Act of March second, nineteen hundred and thirteen, allowing increase of pay and allowances to officers detailed by the Secretary of War on aviation duty, are hereby repealed: *Provided further*, That hereafter married officers of the line of the Army shall be eligible equally with unmarried officers, and subject to the same conditions, for detail to aviation duty; and the Secretary of War shall have authority to cause as many enlisted men of the aviation section to be instructed in the art of flying as he may deem necessary: *Provided further*, That hereafter the age of officers shall not be a bar to their first detail in the aviation section of the Signal Corps, and neither their age nor their rank shall be a bar to their subsequent details in said section: *Provided further*, That, when it shall be impracticable to obtain from the Army officers suitable for the aviation section of the Signal Corps in the number allowed by law the difference between that number and the number of suitable officers actually available for duty in said section may be made up by

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appointments in the grade of aviator, Signal Corps, and that grade is hereby created. The personnel for said grade shall be obtained from especially qualified civilians who shall be appointed and commissioned in said grade: *Provided further*, That whenever any aviator shall have become unsatisfactory he shall be discharged from the Army as such aviator. The base pay of an aviator, Signal Corps, shall be $150 per month, and he shall have the allowances of a master signal electrician and the same percentage of increase in pay for length of service as is allowed to a master signal electrician.

The total enlisted strength of the Signal Corps shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of master signal electricians; sergeants, first class; sergeants; corporals; cooks; horseshoers; private, first class; and privates; the number in each grade being fixed from time to time by the President. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Signal Corps, namely: Master signal electricians, two per centum; sergeants, first class, seven per centum; sergeants, ten per centum; corporals, twenty per centum. The number of privates, first class, shall not exceed twenty-five per centum of the number of privates. Authority is hereby given the President to organize, in his discretion, such part of the commissioned and enlisted personnel of the Signal Corps into such number of companies, battalions, and aero squadrons as the necessities of the service may demand.

SEC. 14. BUREAU OF INSULAR AFFAIRS OF THE WAR DEPARTMENT.—Nothing in this Act shall be construed to repeal existing laws relating to the organization of the Bureau of Insular Affairs of the War Department.

SEC. 15. CHAPLAINS.—The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in service, one for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and one for each one thousand two hundred officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law: *Provided*, That in the appointment of chaplains in the Regular Army, preference and priority shall be given to applicant veterans, if otherwise duly qualified and who shall not have passed the age of forty-one years at the time of application, who have rendered honorable war service in the Army of the United States or who have been honorably discharged from such Army.

SEC. 16. VETERINARIANS.—The President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed, including veterinarians now in service, two such officers for each regiment of Cavalry, one for every three batteries of Field Artillery, one for each mounted battalion of Engineers, seventeen as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and seven as inspectors of meats for the Quartermaster Corps; and said veterinarians and assistant veterinarians shall be citizens of the United States and shall constitute the Veterinary Corps and shall be a part of the Medical Department of the Army.

Hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages

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of twenty-one and twenty-seven years, a graduate of a recognized veterinary college or university, and shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

An assistant veterinarian appointed under this Act shall, for the first five years of service as such, have the rank, pay, and allowances of second lieutenant; that after five years of service he shall have the rank, pay, and allowances of first lieutenant; that after fifteen years of service he shall be promoted to be a veterinarian with the rank, pay, and allowances of captain, and that after twenty years' service he shall have the rank, pay, and allowances of a major: *Provided*, That any assistant veterinarian, in order to be promoted as hereinbefore provided, must first pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the military service; and if such assistant veterinarian shall be found deficient at such examination he shall be discharged from the Army with one year's pay.

The veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps as are now employed in said corps, who at the date of the approval of this Act shall have had less than five years' governmental service, may be appointed in the Veterinary Corps as assistant veterinarians with the rank, pay, and allowances of second lieutenant; those who shall have had over five years of such service may be appointed in said corps as assistant veterinarians with the rank, pay, and allowances of first lieutenant; and those who shall have had over fifteen years of such service may be appointed in said corps as veterinarians with the rank, pay, and allowances of captain: *Provided*, That no such appointment of any veterinarian shall be made unless he shall first pass satisfactorily a practical professional and physical examination as to his fitness for the military service: *Provided further*, That veterinarians now in the Army or in the employ of the Quartermaster Corps who shall fail to pass the prescribed physical examination because of disability incident to the service and sufficient to prevent them from the performance of duty valuable to the Government shall be placed upon the retired list of the Army with seventy-five per centum of the pay to which they would have been entitled if appointed in the Veterinary Corps as hereinbefore prescribed.

The Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint in the Veterinary Corps, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps. Reserve veterinarians so employed shall have the pay and allowances of second lieutenant during such employment and no longer: *Provided*, That such reserve veterinarians shall be graduates of a recognized veterinary college or university and shall pass a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as hereinbefore required of assistant veterinarians; such reserve veterinarians shall constitute a list of eligibles for appointment as assistant veterinarians, subject to all the conditions hereinbefore prescribed for the appointment of assistant veterinarians.

Within a limit of time to be fixed by the Secretary of War, candidates for appointment as assistant veterinarians who shall have

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passed satisfactorily the examinations prescribed for that grade by this Act shall be appointed, in the order of merit in which they shall have passed such examination, to vacancies as they occur, such appointments to be for a probationary period of two years, after which time, if the services of the probationers shall have been satisfactory, they shall be permanently appointed with rank to date from the dates of rank of their probationary appointments. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, and shall have no further claims against the Government on account of their probationary service.

The Secretary of War shall from time to time appoint boards of examiners to conduct the veterinary examinations hereinbefore prescribed, each of said boards to consist of three medical officers and two veterinarians.

SEC. 17. COMPOSITION OF INFANTRY UNITS.—Each regiment of Infantry shall consist of one colonel, one lieutenant colonel, three majors, fifteen captains, sixteen first lieutenants, fifteen second lieutenants, one headquarters company, one machine-gun company, one supply company, and twelve Infantry companies organized into three battalions of four companies each.

Each battalion shall consist of one major, one first lieutenant, mounted (battalion adjutant), and four companies. Each Infantry company in battalion shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one mess sergeant, one supply sergeant, six sergeants, eleven corporals, two cooks, two buglers, one mechanic, nineteen privates (first class), and fifty-six privates.

Each Infantry headquarters company shall consist of one captain, mounted (regimental adjutant); one regimental sergeant major, mounted; three battalion sergeants major, mounted; one first sergeant (drum major); two color sergeants; one mess sergeant; one supply sergeant; one stable sergeant; one sergeant; two cooks; one horseshoer; one band leader; one assistant band leader; one sergeant bugler; two band sergeants; four band corporals; two musicians, first class; four musicians, second class; thirteen musicians, third class; four privates, first class, mounted; and twelve privates, mounted.

Each Infantry machine-gun company shall consist of one captain, mounted; one first lieutenant, mounted; two second lieutenants, mounted; one first sergeant, mounted; one mess sergeant; one supply sergeant, mounted; one stable sergeant, mounted; one horseshoer; five sergeants; six corporals; two cooks; two buglers; one mechanic; eight privates, first class; and twenty-four privates.

Each Infantry supply company shall consist of one captain, mounted; one second lieutenant, mounted; three regimental supply sergeants, mounted; one first sergeant, mounted; one mess sergeant; one stable sergeant; one corporal, mounted; one cook; one saddler; one horseshoer; and one wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may in his discretion increase a company of Infantry by two sergeants, six corporals, one cook, one mechanic, nine privates (first class), and thirty-one privates; an Infantry machine-gun company by two sergeants, two corporals, one mechanic, four privates, first class, and twelve privates.

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The commissioned officers required for the Infantry headquarters, supply, and machine-gun companies and for the companies organized into battalions shall be assigned from those hereinbefore authorized.

SEC. 18. COMPOSITION OF CAVALRY UNITS.—Each regiment of Cavalry shall consist of one colonel, one lieutenant colonel, three majors, fifteen captains, sixteen first lieutenants, sixteen second lieutenants, one headquarters troop, one machine-gun troop, one supply troop, and twelve troops organized into three squadrons of four troops each.

Each squadron shall consist of one major, one first lieutenant (squadron adjutant), and four troops. Each troop in squadron shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one mess sergeant, one supply sergeant, one stable sergeant, five sergeants, eight corporals, two cooks, two horseshoers, one saddler, two buglers, ten privates (first class), and thirty-six privates.

Each headquarters troop shall consist of one captain (regimental adjutant), one regimental sergeant major, three squadron sergeants major, one first sergeant (drum major), two color sergeants, one mess sergeant, one supply sergeant, one stable sergeant, one sergeant, two cooks, one horseshoer, one saddler, two privates (first class), and nine privates, one band leader, one assistant band leader, one sergeant bugler, two band sergeants, four band corporals, two musicians (first class), four musicians (second class), and thirteen musicians (third class).

Each machine-gun troop shall consist of one captain, one first lieutenant, two second lieutenants, one first sergeant, one mess sergeant, one supply sergeant, one stable sergeant, two horseshoers, five sergeants, six corporals, two cooks, one mechanic, one saddler, two buglers, twelve privates (first class), and thirty-five privates.

Each supply troop shall consist of one captain (regimental supply officer), two second lieutenants, three regimental supply sergeants, one first sergeant, one mess sergeant, one stable sergeant, one corporal, one cook, one horseshoer, one saddler, and one wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may, in his discretion, increase each troop of Cavalry by ten privates (first class) and twenty-five privates; the headquarters troop by two sergeants, five corporals, one horseshoer, five privates (first class), and eighteen privates; each machine-gun troop by three sergeants, two corporals, one mechanic, one private (first class), and fourteen privates; each supply troop by one corporal, one cook, one saddler, and one horseshoer.

The commissioned officers required for the Cavalry headquarters, supply, and machine-gun troops, and for the troops organized into squadrons, shall be assigned from those hereinbefore authorized.

SEC. 19. COMPOSITION OF FIELD ARTILLERY UNITS.—The Field Artillery, including mountain artillery, light artillery, horse artillery, heavy artillery (field and siege types), shall consist of one hundred and twenty-six gun or howitzer batteries organized into twenty-one regiments.

In time of actual or threatened hostilities the President is authorized to organize such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks with such numbers and grades of personnel and such organizations as he may

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deem necessary. The officers necessary for such organization shall be supplied from the Officers' Reserve Corps provided by this Act and by temporary appointment as authorized by section eight of the Act of Congress approved April twenty-fifth, nineteen hundred and fourteen. The enlisted men necessary for such organizations shall be supplied from the Regular Army Reserve provided by this Act or from the Regular Army.

Each regiment of Field Artillery shall consist of one colonel, one lieutenant colonel, one captain, one headquarters company, one supply company, and such number of gun and howitzer battalions as the President may direct. Nothing shall prevent the assembling, in the same regiment, of gun and howitzer battalions of different calibers and classes.

Each gun or howitzer battery shall consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, one supply sergeant, one stable sergeant, one mess sergeant, six sergeants, thirteen corporals, one chief mechanic, one saddler, two horseshoers, one mechanic, two buglers, three cooks, twenty-two privates (first class), and seventy-one privates. When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each battery of mountain artillery one packmaster (sergeant, first class), one assistant packmaster (sergeant), and one cargador (corporal).

Each headquarters company of a regiment of two battalions shall consist of one captain, one first lieutenant, one regimental sergeant major, two battalion sergeants major, one first sergeant, two color sergeants, one mess sergeant, one supply sergeant, one stable sergeant, two sergeants, nine corporals, one horseshoer, one saddler, one mechanic, three buglers, two cooks, five privates (first class), fifteen privates, one band leader, one assistant band leader, one sergeant bugler, two band sergeants, four band corporals, two musicians (first class), four musicians (second class), and thirteen musicians (third class). That when a regiment consists of three battalions there shall be added to the headquarters company one battalion sergeant major, one sergeant, three corporals, one bugler, one private (first class), and five privates. When no enlisted men of the Quartermaster Corps is attached for such positions, there shall be added to each mountain artillery headquarters company one packmaster (sergeant, first class), one assistant packmaster (sergeant), and one cargador (corporal).

Each supply company of a regiment of two battalions shall consist of one captain, one first lieutenant, two regimental supply sergeants, one first sergeant, one mess sergeant, one corporal, one cook, one horseshoer, one saddler, two privates, and one wagoner for each authorized wagon of the field train. When a regiment consists of three battalions there shall be added to the supply company one second lieutenant, one regimental supply sergeant, one private, and one wagoner for each additional authorized wagon of the field train.

Each gun or howitzer battalion shall consist of one major, one captain, and batteries as follows: Mountain artillery battalions and light artillery gun or howitzer battalions serving with the field artillery of Infantry divisions shall contain three batteries; horse artillery battalions and heavy field artillery gun or howitzer bat-

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talions shall contain two batteries: *Provided*, That the President may, in his discretion, increase the headquarters company of a regiment of two battalions by two sergeants, five corporals, one horseshoer, one mechanic, one private (first class), and six privates; the headquarters company of a regiment of three battalions by one sergeant, seven corporals, one horseshoer, one mechanic, two cooks, two privates (first class), and seven privates; the supply company of a regiment of two battalions by one corporal, one cook, one horseshoer, and one saddler; the supply company for a regiment of three battalions by one corporal, one cook, one horseshoer, and one saddler; a gun or howitzer battery by three sergeants, seven corporals, one horseshoer, two mechanics, one bugler, thirteen privates (first class), and thirty-seven privates.

SEC. 20. COAST ARTILLERY CORPS.—The Coast Artillery Corps shall consist of one Chief of Coast Artillery, with the rank of brigadier general; twenty-four colonels; twenty-four lieutenant colonels; seventy-two majors; three hundred and sixty captains; three hundred and sixty first lieutenants; three hundred and sixty second lieutenants; thirty-one sergeants major, senior grade; sixty-four sergeants major, junior grade; forty-one master electricians; seventy-two engineers; ninety-nine electrician sergeants, first class; two hundred and seventy-five assistant engineers; ninety-nine electrician sergeants, second class; one hundred and six firemen; ninety-three radio sergeants; sixty-two master gunners; two hundred and sixty-three first sergeants; two hundred and sixty-three supply sergeants; two hundred and sixty-three mess sergeants; two thousand one hundred and four sergeants; three thousand one hundred and fifty-six corporals; five hundred and twenty-six cooks; five hundred and twenty-six mechanics; five hundred and twenty-six buglers; five thousand two hundred and twenty-five privates, first class; fifteen thousand six hundred and seventy-five privates; and eighteen bands, organized as hereinbefore provided for the Engineer band. The rated men of the Coast Artillery Corps shall consist of casemate electricians; observers, first class; plotters; chief planters; coxswains; chief loaders; observers, second class; gun commanders and gun pointers. The total number of rated men shall not exceed one thousand seven hundred and eighty-four. Coxswains shall receive $9 per month in addition to the pay of their grade.

SEC. 21. PORTO RICO REGIMENT OF INFANTRY.—The Porto Rico Regiment of Infantry of the United States Army shall hereafter have the same organization, and the same grades and numbers of commissioned officers and enlisted men, as are by this Act or shall hereafter be prescribed by law for other regiments of Infantry of the Army. All vacancies created by this Act or occurring hereafter in commissioned offices of said regiment above the grade of second lieutenant and below the grade of colonel shall, except as hereinafter provided to the contrary, be filled by promotion according to seniority in the several grades and within the regiment, subject to the examination prescribed by section three of the Act of Congress approved October first, eighteen hundred and ninety, and said section is hereby extended so as to apply in the cases of all officers below the grade of lieutenant colonel, who shall hereafter be examined for promotion in the Porto Rico Regiment of Infantry, except

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that the President may prescribe such a system of examination for the promotion of officers of said regiment as he may deem advisable.

The colonel of said regiment shall be detailed by the President, from among officers of Infantry of the Army not below the grade of lieutenant colonel, for a period of four years unless sooner relieved. Vacancies created by this Act in the grades of lieutenant colonel and major in said regiment shall be filled by appointments from the senior captains in regimental rank of the Porto Rico regiment mentioned in the Act of March fourth, nineteen hundred and fifteen; and captains and lieutenants of said regiment shall also be eligible for such detached service, transfer, or assignment to duty with other organizations as may be approved by the Secretary of War; but vacancies created by such detachment of officers shall not be filled by promotions or appointments.

All men hereafter enlisting in said regiment shall be natives of Porto Rico. All enlistments in the regiment shall hereafter be the same as is provided herein for the Regular Army, and the regiment, or any part thereof, may be ordered for service outside the island of Porto Rico. The pay and allowances of members of said regiment shall be the same as provided by law for officers and enlisted men of like grades in the Regular Army.

Vacancies created by this Act or occurring hereafter in the grade of second lieutenant in said regiment shall be filled during any calendar year by the appointment by the President, by and with the advice and consent of the Senate, of any native of Porto Rico graduated from the United States Military Academy, and, after such appointment shall have been made or provided for, by like appointment of native citizens of Porto Rico between twenty-one and twenty-seven years of age.

Provided, That officers of the Porto Rico Regiment of Infantry, United States Army, who held commissions in the Porto Rico Provisional Regiment of Infantry on June thirtieth, nineteen hundred and eight, shall now and hereafter take rank in their grades in the same relative order held by them in said Porto Rico Provisional Regiment of Infantry on June thirtieth, nineteen hundred and eight, subject to any loss in rank due to failure to pass examinations for promotion or to sentence of court-martial.

SEC. 22. All existing laws pertaining to or affecting the United States Military Academy and civilian or military personnel on duty thereat in any capacity whatever, the officers and enlisted men on the retired list, the detached and additional officers under the Act of Congress approved March third, nineteen hundred and eleven, recruiting parties, recruit depots and unassigned recruits, service school detachments, United States disciplinary barracks guards, disciplinary organizations, the Philippine Scouts, and Indian scouts shall continue and remain in force except as herein specifically provided otherwise.

SEC. 23. ORIGINAL APPOINTMENTS TO BE PROVISIONAL.—Hereafter all appointments of persons other than graduates of the United States Military Academy to the grade of second lieutenant in the Regular Army shall be provisional for a period of two years, at the close of which period such appointments shall be made permanent if the appointees shall have demonstrated, under such regulations as

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the President may prescribe, their suitability and moral, professional, and physical fitness for such permanent appointment, but should any appointee fail so to demonstrate his suitability and fitness, his appointment shall terminate; and should any officer become eligible for promotion to a vacancy in a higher grade and qualify therefor before the expiration of two years from the date of his original appointment, he shall receive a provisional appointment in such higher grade, which appointment shall be made permanent when he shall have qualified for permanent appointment upon the expiration of two years from the date of his original appointment, or shall terminate if he shall fail so to qualify.

SEC. 24. INCREASE TO BE MADE IN FIVE INCREMENTS.—Except as otherwise specifically provided by this Act, the increases in the commissioned and enlisted personnel of the Regular Army provided by this Act shall be made in five annual increments, each of which shall be, in each grade of each arm, corps, and department, as nearly as practicable, one-fifth of the total increase authorized for each arm, corps, and department. Officers promoted to vacancies created or caused by the addition of the first increment shall be promoted to rank from July first, nineteen hundred and sixteen, and those promoted to vacancies created or caused by the second increment shall be promoted to rank from July first, nineteen hundred and seventeen; those promoted to vacancies created or caused by the addition of the third increment shall be promoted to rank from July first, nineteen hundred and eighteen; those promoted to vacancies created or caused by the addition of the fourth increment shall be promoted to rank from July first, nineteen hundred and nineteen; and those promoted to vacancies created or caused by the addition of the fifth increment shall be promoted to rank from July first, nineteen hundred and twenty: *Provided*, That in the event of actual or threatened war or similar emergency in which the public safety demands it the President is authorized to immediately organize the entire increase authorized by this Act, or so much thereof as he may deem necessary, and when, in the judgment of the President, war becomes imminent, all of said organizations that shall then be below the maximum enlisted strength authorized by law shall be raised forthwith to that strength, and shall be maintained as nearly as possible thereat so long as war, or the imminence of war, shall continue.

Vacancies in the grade of second lieutenant, created or caused by the increases due to this Act, in any fiscal year shall be filled by appointment in the following order: (1) Of cadets graduated from the United States Military Academy during the preceding fiscal year for whom vacancies did not become available during the fiscal year in which they were graduated; (2) under the provisions of existing law, of enlisted men, including officers of the Philippine Scouts, whose fitness for promotion shall have been determined by competitive examination; (3) of members of the Officers' Reserve Corps between the ages of twenty-one and twenty-seven years; (4) of commissioned officers of the National Guard between the ages of twenty-one and twenty-seven years; (5) of such honor graduates, between the ages of twenty-one and twenty-seven years, of distinguished colleges as are now or may hereafter be

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entitled to preference by general orders of the War Department; and (6) of candidates from civil life between the ages of twenty-one and twenty-seven years; and the President is authorized to make the necessary rules and regulations to carry these provisions into effect: *Provided*, That any such original vacancies not so filled, and remaining at the time of graduation of any class at the United States Military Academy, may be filled by the appointment of members of that class; and all vacancies in the grade of second lieutenant not created or caused by the increases due to this Act shall be filled as provided in the Act making appropriation for the support of the Army, approved March third, nineteen hundred and eleven: *Provided further*, That enlisted men of the Regular Army who have completed one year's service with an organization may become candidates for vacancies in the grade of second lieutenant created or caused by the increases due to the operation of this Act: *Provided further*, That appointments to the grade of second lieutenant in the Corps of Engineers including those created by this Act, shall continue to be made as now provided by law, but that officers of the Army or Navy of the United States may become candidates for said appointments under the provisions of section five of the Act of Congress approved February twenty-seventh, nineteen hundred and eleven, without previously vacating their commissions as officers and that the Secretary of War may, in his discretion, allow persons to become candidates without previously establishing eligibility for appointment as junior engineer under the Engineer Bureau of the War Department: *Provided further*, That officers appointed to original vacancies in the grade of second lieutenant created or caused by this Act shall take lineal and relative rank according to dates of appointment, and the lineal and relative rank of second lieutenants appointed on the same date shall be determined under such regulations as the Secretary of War may prescribe: *Provided further*, That the President may recommission persons who have heretofore held commissions in the Regular Army and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness; such recommissioned officers shall take rank at the foot of the respective grades which they held at the time of their separation from the Army: *Provided further*, That the provisions of existing law requiring examinations to determine fitness for promotion of officers of the Army are hereby extended to include promotions to all grades below that of brigadier general: *Provided further*, That examinations of officers in the grades of major and lieutenant colonel shall be confined to problems involving the higher functions of staff duties and command: *And provided further*, That in time of war retired officers of the Army may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade: *And provided further*, That hereafter any retired officer, who has been or shall be detailed on active duty, shall receive the rank, pay, and allowances of the grade, not above that of major, that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement.

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SEC. 25. THE DETACHED OFFICERS.—That on July first, nineteen hundred and sixteen, the line of the Army shall be increased by eight hundred and twenty-two extra officers of the Cavalry, Field Artillery, Coast Artillery Corps, and Infantry arms of the service, of grades from first lieutenant to colonel, inclusive, lawfully available for detachment from their proper arms for duty with the National Guard, or other duty, the usual period of which exceeds one year. Said extra officers, together with the two hundred detached officers provided for by the Act of Congress approved March third, nineteen hundred and eleven, shall, on and after July first, nineteen hundred and sixteen, constitute the Detached Officers' List, and all positions vacated by officers assigned to said list, and the officers so assigned, shall be subject to the provisions of section twenty-seven of the Act of Congress approved February second, nineteen hundred and one, with reference to details to the staff corps. The total number of officers hereby authorized for each grade on said list entire shall be in proportion to the total number of officers of the corresponding grade now authorized by law other than this Act for all of the said four arms combined, exclusive of second lieutenants and of the two hundred extra officers authorized by the Act of Congress approved March third, nineteen hundred and eleven, and exclusive also of the additional officers authorized by the Act to restore lineal rank lost through the system of regimental promotion formerly in force; and the total number of officers hereby authorized for each grade in each of said arms on said list shall be in the proportion borne by the number of officers now authorized by law other than this Act for such grade and arm to the total number of officers now authorized by law other than this Act for the corresponding grade in all of the said four arms combined, exclusive of the extra and additional officers last hereinbefore specified and excluded: *Provided*, That all vacancies created or caused by the foregoing provisions of this section in grades above that of second lieutenant shall be filled by promotion according to law existing on and before the date of approval of this Act, and subject to the examinations prescribed by existing law. As soon as practicable after such promotions shall have been made, there shall be detached from each arm and assigned to the Detached Officers' List a number of officers of each grade equal to the number of officers of said grade by which said arm shall have been increased by the foregoing provisions of this section; and thereafter any vacancy created or caused in any of the said arms of the service by the assignment of an officer of any grade to said Detached Officers' List shall be filled, subject to such examination as is now or may hereafter be prescribed by law, by the promotion of the officer who shall be the senior in length of commissioned service of those eligible to promotion in the next lower grade in the arm in which such vacancy shall occur: *Provided further*, That no officer of any of said arms of the service shall be permitted to remain on said Detached Officers' List for more than forty-five days unless he shall have been actually present for duty for at least two years out of the last preceding six years with an organization composed of one or more statutory units, or the equivalent thereof, of the arm to which he shall belong. Any vacancy created in said list by the removal of any officer therefrom because he shall not have been present for duty as before prescribed in this proviso shall be

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filled by the transfer to said list of an officer having the same grade and belonging to the same arm as the officer whose removal from said list shall have created said vacancy; but, except as before prescribed in this proviso, all officers who shall have been assigned to said list shall remain thereon for not less than four years from the respective dates of their assignment thereto, unless in the meantime they shall have been separated entirely from the Army, or shall have been promoted or appointed to higher offices, or shall have been retired from active service: *Provided further*, That after the apportionment of officers to said Detached Officers' List shall have been made as authorized by this Act, whenever any vacancy shall have been caused in said list by the separation of an officer of any grade therefrom, such vacancy shall, except as prescribed in the last preceding proviso, be filled by the detail and assignment to said list of an officer of the corresponding grade in that arm in which there shall be found the officer of the next lower grade who at that time shall be the senior in length of commissioned service of all the officers of the said lower grade in all of the four arms hereinbefore specified; if two or more officers of different arms shall be found to have equal seniority in length of commissioned service in said lower grade, the question of seniority shall be decided by their relative standing on the list of the commissioned officers of the Army: *Provided further*, That, with a view further to equalize inequalities in past promotions of officers of the line of the Army, on July first, nineteen hundred and sixteen, the Cavalry shall be increased by seventeen colonels, and the Infantry by four colonels, all of whom shall be additional officers in that grade, and shall not bar nor retard the promotion to which any officer would be entitled if the appointment of the said additional officers had never been authorized; and after July first, nineteen hundred and nineteen, no vacancies occurring among the said additional officers shall be filled and the offices so vacated shall cease and determine: *And provided further*, That for the purpose of lessening as much as possible inequalities of promotion due to the increase in the number of officers of the line of the Army under the provisions of this Act, any vacancies created or caused by this Act in commissioned grades below that of lieutenant colonel in any arm of said line may, in the discretion of the President and under such regulations as he may prescribe in furtherance of the purpose stated in this proviso, be filled by the promotion or transfer without promotion of officers of other branches of the line of the Army; but no such promotion or transfer shall be made in the case of any officer unless it shall have been recommended by an examining board composed of five officers, senior in rank to such officer, and of the arm to which the promotion or transfer of such officer shall have been proposed, who, after having made a personal examination of such officer and of his official record, shall have reported him qualified for service in said arm in the grade to which his promotion or transfer shall have been proposed.

SEC. 26. RETIREMENT OF OFFICERS OF PHILIPPINE SCOUTS.—Captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be entitled to retirement under the laws governing the retirement of enlisted men of the Regular Army, except that they shall be retired in the grade held by them at the date of

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retirement, shall be entitled to retirement for disability under the same conditions as officers of the Regular Army, and that they shall receive, as retired pay, the amounts allowed by law, as retired pay and allowances, of master signal electricians of the United States Army, and no more: *Provided*, That double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below twenty years: *Provided further*, That former officers of the Philippine Scouts who, because of disability occasioned by wounds received in action, have resigned or been discharged from the service, or who have heretofore served as such for a period of more than five years and have been retired as enlisted men, shall be placed upon the retired list as officers of Philippine Scouts and thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts: *And provided further*, That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in the line of duty and who was subsequently retired as an enlisted man, except any former officer of Philippine Scouts who has been retired as an enlisted man by special Act of Congress, shall be transferred to the retired list created by this section and shall thereafter receive the retired pay and allowances authorized by this section, and no more. Officers of Philippine Scouts retired under the provisions of this section shall not form part of the limited retired list now authorized by law.

SEC. 27. ENLISTMENTS IN THE REGULAR ARMY.—On and after the first day of November, nineteen hundred and sixteen, all enlistments in the Regular Army shall be for a term of seven years, the first three years to be in the active service with the organizations of which those enlisted form a part and, except as otherwise provided herein, the last four years in the Regular Army Reserve hereinafter provided for: *Provided*, That at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army Reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this Act three years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That any noncommissioned officer discharged with an excellent character shall be permitted, at the expiration of three years in the active service, to reenlist in the organization from which discharged with the rank and grade held by him at the time of his discharge if he reenlists within twenty days after the date of such discharge: *Provided further*, That no person under the age of eighteen years shall be enlisted or mustered into the military service of the

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United States without the written consent of his parents or guardians, provided that such minor has such parents or guardians entitled to his custody and control: *And provided further*, That the President is authorized in his discretion to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each recruit accepted for enlistment in the Army, the postmaster procuring his enlistment shall receive the sum of $5.

In addition to military training, soldiers while in the active service shall hereafter be given the opportunity to study and receive instruction upon educational lines of such character as to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations. Civilian teachers may be employed to aid the Army officers in giving such instruction, and part of this instruction may consist of vocational education either in agriculture or the mechanic arts. The Secretary of War, with the approval of the President, shall prescribe rules and regulations for conducting the instruction herein provided for, and the Secretary of War shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered as may in his judgment be consistent with the requirements of military instruction and service of the soldiers.

SEC. 28. PAY OF CERTAIN ENLISTED MEN.—Hereafter the monthly pay of enlisted men of certain grades of the Army created in this Act shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Department; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, $75; hospital sergeant, Medical Department; and master engineer, junior grade, Corps of Engineers, $65; sergeant, first class, Medical Department, $50; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, $45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers; and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, $40; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers; supply sergeant, mess sergeant, and stable sergeant, Corps of Engineers; sergeant Medical Department, $36; supply sergeant, Infantry, Cavalry, and Artillery; mess sergeant, Infantry, Cavalry, and Artillery; cook, Medical Department; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Department; stable sergeant, Infantry and Cavalry; radio sergeant, Coast Artillery Corps; and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, $30; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers; corporal, Medical Department, $24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Department; mechanic, Infantry, Cavalry, and Field Artillery, and Medical Department; farrier, Medical Department; and wagoner, Infantry, Field Artillery, and Corps of Engineers, $21; private, first class, Infantry, Cavalry, Artillery, and Medical Department, $18; private, Medical Department, and bugler, $15. Nothing herein contained shall operate to

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reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army.

SEC. 29. FINAL DISCHARGE OF ENLISTED MEN.—No enlisted man in the Regular Army shall receive his final discharge until the termination of his seven-year term of enlistment except upon reenlistment as provided for in this Act or as provided by law for discharge prior to expiration of term of enlistment, but when an enlisted man is furloughed to the Regular Army Reserve his account shall be closed and he shall be paid in full to the date such furlough becomes effective, including allowances provided by law for discharged solders: *Provided*, That when by reason of death or disability of a member of the family of an enlisted man occurring after his enlistment members of his family become dependent upon him for support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States or be furloughed to the Regular Army Reserve, upon due proof being made of such condition: *Provided further*, That when an enlisted man is discharged by purchase while in active service he shall be furloughed to the Regular Army Reserve, unless, in the discretion of the Secretary of War, he is given a final discharge from the Army.

SEC. 30. COMPOSITION OF THE REGULAR ARMY RESERVE.—The Regular Army Reserve shall consist of, first, all enlisted men now in the Army Reserve or who shall hereafter become members of the Army Reserve under the provisions of existing law; second, all enlisted men furloughed to or enlisted in the Regular Army Reserve under the provisions of this Act; and, third, any person holding an honorable discharge from the Regular Army with character reported at least good who is physically qualified for the duties of a soldier and not over forty-five years of age who enlists in the Regular Army Reserve for a period of four years.

SEC. 31. The President is authorized to assign members of the Regular Army Reserve as reserves to particular organizations of the Regular Army, or to organize the Regular Army Reserve, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps herein provided for; and he may summon the Regular Army Reserve or any part thereof for field training for a period not exceeding fifteen days in each year, the reservists to receive travel expenses and pay at the rate of their respective grades in the Regular Army during such periods of training; and in the event of actual or threatened hostilities he may mobilize the Regular Army Reserve in such manner as he may determine, and thereafter retain it, or any part thereof, in active service for such period as he may determine the conditions demand: *Provided*, That all enlistments in the Regular Army, including those in the Regular Army Reserve, which are in force on the date of the outbreak of war shall continue in force for one year, unless sooner terminated by order of the Secretary of War, but nothing herein shall be construed to shorten the time of enlistment prescribed: *Provided further*, That subject to such regulations as the President may prescribe for their proper identification, and location, and physical condition, the members of the Regular Army Reserve shall be paid semiannually at the rate of $24 a year while in the reserve.

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SEC. 32. REGULAR ARMY RESERVE IN TIME OF WAR.—When mobilized by order of the President, the members of the Regular Army Reserve shall, so long as they may remain in active service, receive the pay and allowances of enlisted men of the Regular Army of like grades: *Provided*, That any enlisted man who shall have reenlisted in the Regular Army Reserve shall receive during such active service the additional pay now provided by law for enlisted men in his arm of the service in the second enlistment period: *Provided further*, That upon reporting for duty, and being found physically fit for service, members of the Regular Army Reserve shall receive a sum equal to $3 per month for each month during which they shall have belonged to the reserve, as well as the actual necessary cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons: *And provided further*, That service in the Regular Army Reserve shall confer no right to retirement or retired pay, and members of the Regular Army Reserve shall become entitled to pension only through disability incurred while on active duty in the service of the United States.

SEC. 33. USE OF OTHER DEPARTMENTS OF THE GOVERNMENT.—The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army Reserve, the Enlisted Reserve Corps, and other reserve organizations.

SEC. 34. REENLISTMENT IN TIME OF WAR.—For the purpose of utilizing as an auxiliary to the Regular Army Reserve the services of men who have had experience and training in the Regular Army, or in the United States Volunteers, outside of the continental limits of the United States, in time of actual or threatened hostilities, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, if not over fifty years of age, shall reenlist in the line of said Army, or in the Signal, Quartermaster, or Medical Department thereof, within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period; but no bounty in excess of $300 shall be paid to any person under the terms of this section.

SEC. 35. ENLISTED MEN PROHIBITED FROM CIVIL EMPLOYMENT.—Hereafter no enlisted man in the active service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or

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permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

SEC. 36. SERGEANTS FOR DUTY WITH THE NATIONAL GUARD.—For the purpose of assisting in the instruction of the personnel and care of property in the hands of the National Guard the Secretary of War is authorized to detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Department, and Signal Corps of the Regular Army not to exceed one thousand sergeants for duty with corresponding organizations of the National Guard and not to exceed one hundred sergeants for duty with the disciplinary organizations at the United States Disciplinary Barracks, who shall be additional to the sergeants authorized by this Act for the corps, companies, troops, batteries, and detachments from which they may be detailed.

SEC. 37. THE OFFICERS' RESERVE CORPS.—For the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army, as provided for in this Act and in section eight of the Act approved April twenty-fifth, nineteen hundred and fourteen, as officers of the Quartermaster Corps and other staff corps and departments, as officers for recruit rendezvous and depots, and as officers of volunteers, there shall be organized, under such rules and regulations as the President may prescribe not inconsistent with the provisions of this Act, an Officers' Reserve Corps of the Regular Army. Said corps shall consist of sections corresponding to the various arms, staff corps, and departments of the Regular Army. Except as otherwise herein provided, a member of the Officers' Reserve Corps shall not be subject to call for service in time of peace, and whenever called upon for service shall not, without his consent, be so called in a lower grade than that held by him in said reserve corps.

The President alone shall be authorized to appoint and commission as reserve officers in the various sections of the Officers' Reserve Corps, in all grades up to and including that of major, such citizens as, upon examination prescribed by the President, shall be found physically, mentally, and morally qualified to hold such commissions: *Provided*, That the proportion of officers in any section of the Officers' Reserve Corps shall not exceed the proportion for the same grade in the corresponding arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any section of the Officers' Reserve Corps shall not be limited.

That all persons now carried as duly qualified and registered pursuant to section twenty-three of the Act of Congress approved January twenty-first, nineteen hundred and three, shall, for a period of three years after the passage of this Act, be eligible for appointment in the Officers' Reserve Corps in the section corresponding to the arm, corps, or department for which they have been found qualified, without further examination, except a physical examination, and subject to the limitations as to age and rank herein prescribed: *Provided*, That any person carried as qualified and registered in the

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grade of colonel or lieutenant colonel pursuant to the provisions of said Act on the date when this Act becomes effective may be commissioned and recommissioned in the Officers' Reserve Corps with the rank for which he has been found qualified and registered, but when such person thereafter shall become separated from the Officers' Reserve Corps for any reason the vacancy so caused shall not be filled, and such office shall cease and determine.

No person shall, except as hereinafter provided, be appointed or reappointed a second lieutenant in the Officers' Reserve Corps after he shall have reached the age of thirty-two years, a first lieutenant after he shall have reached the age of thirty-six years, a captain after he shall have reached the age of forty years, or a major after he shall have reached the age of forty-five years. When an officer of the Reserve Corps shall reach the age limit fixed for appointment or reappointment in the grade in which commissioned he shall be honorably discharged from the service of the United States, and be entitled to retain his official title and, on occasions of ceremony, to wear the uniform of the highest grade he shall have held in the Officers' Reserve Corps: *Provided*, That nothing in the foregoing provisions as to the ages of officers shall apply to the appointment or reappointment of officers of the Quartermaster, Engineer, Ordnance, Signal, Judge Advocate, and Medical sections of said Reserve Corps.

One year after the passage of this Act the Medical Reserve Corps, as now constituted by law, shall cease to exist. Members thereof may be commissioned in the Officers' Reserve Corps, subject to the provisions of this Act, or may be honorably discharged from the service. The Secretary of War may, in time of peace, order first lieutenants of the medical section of the Officers' Reserve Corps, with their consent, to active duty in the service of the United States in such numbers as the public interests may require and the funds appropriated may permit, and may relieve them from such duty when their services are no longer necessary. While on such duty they shall receive the pay and allowances, including pay for periods of sickness and leaves of absence, of officers of corresponding rank and length of active service in the Regular Army.

The commissions of all officers of the Officers' Reserve Corps shall be in force for a period of five years unless sooner terminated in the discretion of the President. Such officers may be recommissioned, either in the same or higher grades, for successive periods of five years, subject to such examinations and qualifications as the President may prescribe and to the age limits prescribed herein: *Provided*, That officers of the Officers' Reserve Corps shall have rank therein in the various sections of said Reserve Corps according to grades and to length of service in their grades.

SEC. 38. THE OFFICERS' RESERVE CORPS IN WAR.—In time of actual or threatened hostilities the President may order officers of the Officers' Reserve Corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, or as officers in volunteer or other organizations that may be authorized by law, or as officers at recruit rendezvous and depots. or on such other duty as the President may prescribe. While such re-

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serve officers are on such service they shall, by virtue of their commissions as reserve officers, exercise command appropriate to their grade and rank in the organizations to which they may be assigned, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of active service, as allowed by law for officers of the Regular Army, from the date upon which they shall be required by the terms of their orders to obey the same: *Provided*, That officers so ordered to active service shall take temporary rank among themselves, and in their grades in the organizations to which assigned, according to the dates of orders placing them on active service; and they may be promoted, in accordance with such rank, to vacancies in volunteer organizations or to temporary vacancies in the Regular Army thereafter occurring in the organizations in which they shall be serving: *Provided further*, That officers of the Officers' Reserve Corps shall not be entitled to retirement or retired pay, and shall be entitled to pension only for disability incurred in the line of duty and while in active service.

Any officer who, while holding a commission in the Officers' Reserve Corps, shall be ordered to active service by the Secretary of War shall, from the time he shall be required by the terms of his order to obey the same, be subject to the laws and regulations for the government of the Army of the United States, in so far as they are applicable to officers whose permanent retention in the military service is not contemplated.

SEC. 39. INSTRUCTION OF OFFICERS OF THE OFFICERS' RESERVE CORPS.—To the extent provided for from time to time by appropriations for this specific purpose, the Secretary of War is authorized to order reserve officers to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year, and while so serving such officers shall receive the pay and allowances of their respective grades in the Regular Army: *Provided*, That, with the consent of the reserve officers concerned, and within the limit of funds available for the purpose, such periods of duty may be extended for reserve officers as the Secretary of War may direct: *Provided further*, That in time of actual or threatened hostilities, after all available officers of any section of the Officers' Reserve Corps corresponding to any arm, corps, or department of the Regular Army shall have been ordered into active service, officers of Volunteers may be appointed in such arm, corps, or department as may be authorized by law: *Provided further*, That nothing herein shall operate to prevent the appointment of any officer of the Regular Army as an officer of Volunteers before all the officers of the Officers' Reserve Corps or any section thereof shall have been ordered into active service: *And provided further*, That in determining the relative rank and the right to retirement of an officer of the Regular Army, active duty performed by him while serving in the Officers' Reserve Corps shall not be reckoned.

SEC. 40. THE RESERVE OFFICERS' TRAINING CORPS.—The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State uni-

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versities and those State institutions that are required to provide instruction in military tactics under the provisions of the Act of Congress of July second, eighteen hundred and sixty-two, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, except that units of the senior division may be organized at those essentially military schools which do not confer an academic degree but which, as a result of the annual inspection of such institutions by the War Department, are specially designated by the Secretary of War as qualified for units of the senior division, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

SEC. 41. The President may, upon the application of any State institution described in section forty of this Act, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students.

SEC. 42. The President may, upon the application of any established educational institution in the United States other than a State institution described in section forty of this Act, the authorities of which agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution until an officer of the Army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students.

SEC. 43. The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of three hours per week per academic year to such military training; and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training.

SEC. 44. Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are not less than fourteen years of age, and whose bodily condition indicates that they are physically fit to perform military duty, or will be so upon arrival at military age.

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SEC. 45. The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed three hundred, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail of officers on the active list of the Regular Army under the provisions of this section shall extend for more than four years.

SEC. 46. The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the Regular Army Reserve, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed five hundred, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men or members of the Regular Army Reserve shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances.

SEC. 47. The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safekeeping thereof, and for its return when required.

SEC. 48. The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks in any one year, except in time of actual or threatened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

SEC. 49. The President alone, under such regulations as he may prescribe, is hereby authorized to appoint in the Officers' Reserve Corps

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any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in section fifty of this Act, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and the further training provided for in section fifty of this Act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of twenty-one years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least ten years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed fifty thousand: *Provided*, That any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

SEC. 50. When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the courses in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps.

SEC. 51. Any physically fit male citizen of the United States, between the ages of twenty-one and twenty-seven years, who shall have graduated prior to the date of this Act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who, while a student at such institution, completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this Act for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment to the Officers' Reserve Corps and as a temporary additional second lieutenant in accordance with the terms of this Act.

SEC. 52. The President alone is hereby authorized to appoint and commission as a temporary second lieutenant of the Regular Army in time of peace for purposes of instruction, for a period not exceeding six months, with the allowances now provided by law for that grade, but with pay at the rate of $100 per month, any reserve officer appointed pursuant to sections forty-nine and fifty-one of this Act

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and to attach him to a unit of the Regular Army for duty and training during the period covered by his appointment as such temporary second lieutenant, and upon the expiration of such service with the Regular Army such officer shall revert to his status as a reserve officer.

SEC. 53. No reserve officer or temporary second lieutenant appointed pursuant to this Act shall be entitled to retirement or to retired pay and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Regular Army pursuant to the provisions of this Act: *Provided*, That in time of war the President may order reserve officers appointed under the provisions of this Act to active duty with any of the military forces of the United States in any grades not below that of second lieutenant, and while on such active duty they shall be subject to the Rules and Articles of War: *And provided further*, That the Adjutant General of the Army shall, under the direction and supervision of the Secretary of War, obtain, compile, and keep continually up to date all obtainable information as to the names, ages, addresses, occupations, and qualifications for appointment as commissioned officers of the Army, in time of war or other emergency, of men of suitable ages who, by reason of having received military training in civilian educational institutions or elsewhere, may be regarded as qualified and available for appointment as such commissioned officers.

SEC. 54. TRAINING CAMPS.—The Secretary of War is hereby authorized to maintain, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, upon their application and under such terms of enlistment and regulations as may be prescribed by the Secretary of War; to use, for the purpose of maintaining said camps and imparting military instruction and training thereat, such arms, ammunition, accouterments, equipments, tentage, field equipage, and transportation belonging to the United States as he may deem necessary; to furnish, at the expense of the United States, uniforms, subsistence, transportation by the most usual and direct route within such limits as to territory as the Secretary of War may prescribe, and medical supplies to persons receiving instruction at said camps during the period of their attendance thereat, to authorize such expenditures, from proper Army appropriations, as he may deem necessary for water, fuel, light, temporary structures, not including quarters for officers nor barracks for men, screening, and damages resulting from field exercises, and other expenses incidental to the maintenance of said camps, and the theoretical winter instruction in connection therewith; and to sell to persons receiving instruction at said camps, for cash and at cost price plus ten per centum, quartermaster and ordnance property, the amount of such property sold to any one person to be limited to that which is required for his proper equipment. All moneys arising from such sales shall remain available throughout the fiscal year following that in which the sales are made, for the purpose of that appropriation from which the property sold was authorized to be supplied at the time of the sale. The Secretary of War is authorized further to prescribe the courses of theoretical and practical instruction to be pursued by persons attending the camps authorized by this section; to fix the periods during which such camps

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shall be maintained; to prescribe rules and regulations for the government thereof; and to employ thereat officers and enlisted men of the Regular Army in such numbers and upon such duties as he may designate.

SEC. 55. THE ENLISTED RESERVE CORPS.—For the purpose of securing an additional reserve of enlisted men for military service with the Engineer, Signal, and Quartermaster Corps and the Ordnance and Medical Departments of the Regular Army, an Enlisted Reserve Corps, to consist of such number of enlisted men of such grade or grades as may be designated by the President from time to time, is hereby authorized, such authorization to be effective on and after the first day of July, nineteen hundred and sixteen.

There may be enlisted in the grade or grades hereinbefore specified, for a period of four years, under such rules as may be prescribed by the President, citizens of the United States, or persons who have declared their intentions to become citizens of the United States, subject to such physical, educational, and practical examination as may be prescribed in said rules. For men enlisting in said grade or grades certificates of enlistment in the Enlisted Reserve Corps shall be issued by The Adjutant General of the Army, but no such man shall be enlisted in said corps unless he shall be found physically, mentally, and morally qualified to hold such certificate and unless he shall be between the ages of eighteen and forty-five years. The certificates so given shall confer upon the holders when called into active service or for purposes of instruction and training, and during the period of such active service, instruction, or training, all the authority, rights, and privileges of like grades of the Regular Army. Enlisted men of the Enlisted Reserve Corps shall take precedence in said corps according to the dates of their certificates of enlistment therein and when called into active service or when called out for purposes of instruction or training shall take precedence next below all other enlisted men of like grades in the Regular Army. And the Secretary of War is hereby authorized to issue to members of the Enlisted Reserve Corps and to persons who have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, distinctive rosettes or knots designed for wear with civilian clothing, and whenever a rosette or knot issued under the provisions of this section shall have been lost, destroyed, or rendered unfit for use without fault or neglect upon the part of the person to whom it is issued, the Secretary of War shall cause a new rosette or knot to be issued to such person without charge therefor. Any person who is not an enlisted man of the Enlisted Reserve Corps and shall not have participated in at least one encampment for the military instruction of citizens, conducted under the auspices of the War Department, and who shall wear such rosette or knot shall be guilty of misdemeanor punishable by a fine of not exceeding $300, or imprisonment not exceeding six months, or both.

The President is authorized to assign members of the Enlisted Reserve Corps as reserves to particular organizations of the Regular Army, or to organize the Enlisted Reserve Corps, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such

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units and detachments officers of the Regular Army or of the Officers' Reserve Corps, herein provided for.

To the extent provided from time to time by appropriations the Secretary of War may order enlisted men of the Enlisted Reserve Corps to active service for purposes of instruction or training for periods not to exceed fifteen days in any one calendar year: *Provided*, That, with the consent of such enlisted men and within the limits of funds available for such purposes, such periods of active service may be extended for such number of enlisted men as may be deemed necessary.

Enlisted men of the Enlisted Reserve Corps shall receive the pay and allowances of their respective grades, but only when ordered into active service, including the time required for actual travel from their homes to the places to which ordered and return to their homes: *Provided*, That said enlisted men shall not be entitled to retirement or retirement pay, nor shall they be entitled to pensions except for physical disability incurred in line of duty while in active service or while traveling under orders of competent authority to or from designated places of duty.

The uniform to be worn by enlisted men of the Enlisted Reserve Corps, except corps insignia, shall be the same as prescribed for enlisted men of the Regular Army Reserve, and that in lieu of any money allowance for clothing there shall be isued to each enlisted man of the Enlisted Reserve Corps in time of peace such articles of clothing and equipment as the President may direct: *Provided*, That any clothing or other equipment issued to any enlisted man of the said corps shall remain the property of the United States, and in case of loss or destruction of any article, the article so lost or destroyed shall be replaced by issue to the enlisted man and the value thereof deducted from any pay due or to become due him, unless it shall be made to appear that such loss or destruction was not due to neglect or other fault on his part: *Provided further*, That any clothing or other equipment issued to enlisted men of the Enlisted Reserve Corps which shall have become unserviceable through ordinary wear and tear in the service of the United States shall be received back by the United States and serviceable like articles isued in lieu thereof: *Provided further*, That when enlisted men of the Enlisted Reserve Corps shall be discharged or otherwise separated from the service, all arms, equipage, clothing, and other property issued to them shall be accounted for under such regulations as may be prescribed by the Secretary of War.

Any enlisted man of the Enlisted Reserve Corps ordered to active service or for purposes of instruction or training shall, from the time he is required by the terms of the order to obey the same, be subject to the laws and regulations for the government of the Army of the United States.

The Secretary of War is hereby authorized to discharge any enlisted member of the Enlisted Reserve Corps when his services shall be no longer required, or when he shall have by misconduct unfitted himself for further service in the said corps: *Provided*, That any enlisted man of said corps who shall be ordered upon active duty as herein provided and who shall willfully fail to comply with the terms of the order so given him shall, in addition to any other penalty to which he may be subject, forfeit his certificate of enlistment.

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In time of actual or threatened hostilities the President may order the Enlisted Reserve Corps, in such numbers and at such times as may be considered necessary, to active service with the Regular Army, and while on such service members of said corps shall exercise command appropriate to their several grades and rank in the organizations to which they shall be assigned and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for the Regular Army: *Provided*, That upon a call by the President for a volunteer force the members of the Enlisted Reserve Corps may be mustered into the service of the United States as volunteers for duty with the Army in the grades held by them in the said corps, and shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service, as now provided by law for the Regular Army: *And provided further*, That enlisted men of the Enlisted Reserve Corps shall not acquire by virtue of issuance of certificates of enlistment to them a vested right to be mustered into the volunteer service of the United States.

SEC. 56. MILITARY EQUIPMENT AND INSTRUCTORS AT OTHER SCHOOLS AND COLLEGES.—Such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges, other than those provided for in section forty-seven of this Act, having a course of military training prescribed by the Secretary of War and having not less than one hundred physically fit male students above the age of fourteen years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized to detail such commissioned and noncommissioned officers of the Army to said schools and colleges, other than those provided for in section forty-five and forty-six of this Act, detailing not less than one such officer or noncommissioned officer to each five hundred students under military instruction.

SEC. 57. COMPOSITION OF THE MILITIA.—The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia.

SEC. 58. COMPOSITION OF THE NATIONAL GUARD.—The National Guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-five years organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of twenty-one and sixty-four years.

SEC. 59. EXEMPTIONS FROM MILITIA DUTY.—The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States;

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pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such persons shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.

SEC. 60. ORGANIZATION OF NATIONAL GUARD UNITS.—Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units.

SEC. 61. MAINTENANCE OF OTHER TROOPS BY THE STATES.—No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this Act: *Provided*, That nothing contained in this Act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary.

SEC. 62. NUMBER OF THE NATIONAL GUARD.—The number of enlisted men of the National Guard to be organized under this Act within one year from its passage shall be for each State in the proportion of two hundred such men for each Senator and Representative in Congress from such State, and a number to be determined by the President for each Territory and the District of Columbia, and shall be increased each year thereafter in the proportion of not less than fifty per centum until a total peace strength of not less than eight hundred enlisted men for each Senator and Representative in Congress shall have been reached: *Provided*, That in States which have but one Representative in Congress such increase shall be at the discretion of the President: *Provided further*, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time than is specified in this section, or from maintaining existing organizations if they shall conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe: *And provided further*, That nothing in this Act shall be construed to prevent any State with but one Representative in Congress from organizing one or more regiments of troops, with such auxiliary troops as the President may prescribe; such organizations and members of such organizations to receive all the benefits accruing under this Act under the conditions set forth herein: *Provided further*, That the word Territory as used in this Act and in all laws relating to the land militia and National Guard shall include and apply to Hawaii, Alaska, Porto

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Rico, and the Canal Zone, and the militia of the Canal Zone shall be organized under such rules and regulations, not in conflict with the provisions of this Act, as the President may prescribe.

SEC. 63. Any corps of Artillery, Cavalry, or Infantry existing in any of the States on the passage of the Act of May eighth, seventeen hundred and ninety-two, which by the laws, customs, or usages of said States has been in continuous existence since the passage of said Act, under its provisions and under the provisions of section two hundred and thirty-two and sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of eighteen hundred and seventy-three, and the Act of January twenty-first, nineteen hundred and three, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of militia: *Provided*, That said organizations may be a part of the National Guard and entitled to all the privileges of this Act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving.

SEC. 64. ASSIGNMENT OF NATIONAL GUARD TO BRIGADES AND DIVISIONS.—For the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia to divisions, brigades, and other tactical units, and may detail officers either from the National Guard or the Regular Army to command such units: *Provided*, That where complete units are organized within a State, Territory, or the District of Columbia the commanding officers thereof shall not be displaced under the provisions of this section.

SEC. 65. CHIEFS OF STAFF OF NATIONAL GUARD DIVISIONS.—The President may detail one officer of the Regular Army as chief of staff and one officer of the Regular Army or the National Guard as assistant to the chief of staff of any division of the National Guard in the service of the United States as a National Guard organization: *Provided*, That in order to insure the prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail an officer of the Regular Army to perform the duties of chief of staff for each fully organized tactical division of the National Guard.

SEC. 66. ADJUTANTS GENERAL OF STATES, AND SO FORTH.—The adjutants general of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War, or to such officers as he may designate, at such times and in such form as the Secretary of War may from time to time prescribe: *Provided*, That the adjutants general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe, and each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed.

SEC. 67. APPROPRIATION, APPORTIONMENT, AND DISBURSEMENT OF FUNDS FOR THE NATIONAL GUARD.—A sum of money shall here-

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after be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are now or may hereafter be authorized by law.

The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia, shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services, now authorized for the Division of Militia Affairs; for expenses of enlisted men of the Regular Army on duty with the National Guard, including quarters, fuel, light, medicines, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law.

The governor of each State and Territory and the commanding general of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, Territory, or District of Columbia who shall be regarded as property and disbursing officer for the United States. He shall receipt and account for all funds and property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation for the support of

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the National Guard as shall, in the judgment of the Secretary of War, be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safe-keeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at a rate to be fixed by the Secretary of War, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard: *Provided*, That when traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia: *Provided further*, That the Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an inspector general of the Army at least once each year: *And provided further*, That the Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section.

SEC. 68. LOCATION OF UNITS.—The States and Territories shall have the right to determine and fix the location of the units and headquarters of the National Guard within their respective borders: *Provided*, That no organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of this Act, shall be disbanded without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President.

SEC. 69. ENLISTMENTS IN THE NATIONAL GUARD.—Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve, hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army: *Provided*, That in the National Guard the privilege of continuing in active service during the whole of an enlistment period and of reenlisting in said service shall not be denied by reason of anything contained in this Act.

SEC. 70.—FEDERAL ENLISTMENT CONTRACT.—Enlisted men in the National Guard of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this Act for the unexpired portion of their present enlistment contracts. When any such enlistment contract does not contain such obligation, the enlisted man shall not be recognized as a member of the National Guard until he shall have signed an enlistment con-

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tract and taken and subscribed to the following oath of enlistment, upon signing which credit shall be given for the period already served under the old enlistment contract: "I do hereby acknowledge to have voluntarily enlisted this — day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, for the period of three years in service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the rules and articles of war."

SEC. 71. Hereafter all men enlisting for service in the National Guard shall sign an enlistment contract and take and subscribe to the oath prescribed in the preceding section of this Act.

SEC. 72. DISCHARGE OF ENLISTED MEN FROM THE NATIONAL GUARD.—An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

SEC. 73.—FEDERAL OATH FOR NATIONAL GUARD OFFICERS.—Commissioned officers of the National Guard of the several States, Territories, and the District of Columbia now serving under commissions regularly issued shall continue in office, as officers of the National Guard, without the issuance of new commissions: *Provided*, That said officers have taken, or shall take and subscribe to the following oath of office: "I, ———, do solemnly swear that I will support and defend the Constitution of the United States and the constitution of the State of ———, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the governor of the State of ———; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and of the State of ——— upon which I am about to enter, so help me God."

SEC. 74. QUALIFICATIONS FOR NATIONAL GUARD OFFICERS.—Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this Act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this Act: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard; officers, active or retired, and former officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and, for the technical

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branches and staff corps or departments, such other civilians as may be specially qualified for duty therein.

SEC. 75. The provisions of this Act shall not apply to any person hereafter appointed an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard, or both.

SEC. 76. FILLING OF VACANCIES WHEN DRAFTED INTO FEDERAL SERVICE.—All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provisions of this Act shall be filled by the President, as far as practicable, by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces.

SEC. 77. ELIMINATION AND DISPOSITION OF OFFICERS.—At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial. Officers of said guard rendered surplus by the disbandment of their organizations shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said reserve.

SEC. 78.—THE NATIONAL GUARD RESERVE.—Subject to such rules and regulations as the President may prescribe, a National Guard Reserve shall be organized in each State, Territory, and the District of Columbia, and shall consist of such organizations, officers, and enlisted men as the President may prescribe, or members thereof may be assigned as reserves to an active organization of the National Guard: *Provided*, That members of said reserve, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as enlisted men of like grade on the active list of said guard when likewise engaged: *Provided further*, That, except as otherwise specifically provided in this Act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes.

SEC. 79. RESERVE BATTALIONS FOR RECRUIT TRAINING.—When members of the National Guard and the enlisted reserve thereof of any State, Territory, or the District of Columbia shall have been brought into the service of the United States in time of war, there shall be immediately organized, either from such enlisted reserve or from the unorganized militia, in such State, Territory, or District, one reserve battalion for each regiment of Infantry or Cavalry, or

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each nine batteries of Field Artillery, or each twelve companies of Coast Artillery, brought into the service of the United States, and such reserve battalion shall constitute the fourth battalion of any such regiment or twelve companies of Coast Artillery. Reserve battalions shall consist of four companies of such strength as may be prescribed by the President of the United States. When the members of three or more regiments of the National Guard of any State, Territory, or District shall have been brought into the service of the United States, the reserve battalions of such regiments may be organized into provisional regiments and higher units. If for any reason there shall not be enough voluntary enlistments to keep the reserve battalions at the prescribed strength, a sufficient number of the unorganized militia shall be drafted into the service of the United States to maintain each of such battalions at the proper strength. As vacancies occur from death or other causes in any organization in the service of the United States and composed of men taken from the National Guard, men shall be transferred from the reserve battalions to the organizations in the field so that such organizations may be maintained at war strength. Officers for the reserve battalions provided for herein shall be drafted from the National Guard Reserve or Coast Artillery companies of the National Guard or the Officers' Reserve Corps, such officers to be taken, if practicable, from the States, respectively, in which the battalions shall be organized. Officers and noncommissioned officers returned to their home stations because of their inability to perform active field service may be assigned to reserve battalions for duty, and all soldiers invalided home shall be assigned to and carried on the rolls of reserve battalions until returned to duty or until discharged.

SEC. 80. LEAVES OF ABSENCE FOR CERTAIN GOVERNMENT EMPLOYEES.—All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this Act.

SEC. 81. MILITIA BUREAU OF THE WAR DEPARTMENT.—The National Militia Board created by section eleven of the Act of May twenty-seventh, nineteen hundred and eight, amending section twenty of the Act of January twenty-first, nineteen hundred and three, shall, from the date of the approval of this Act, be abolished. The Militia Division now existing in the War Department shall hereafter be known as the Militia Bureau of said department, shall, like other bureaus of said department, be under the immediate supervision of the Secretary of War, and shall not form a part of any other bureau, office, or other organization, but the Chief of the Militia Bureau shall be ex officio a member of the General Staff Corps: *Provided*, That the President may, in his discretion, assign to duty in the Militia Bureau as assistants to the chief thereof not to exceed one colonel and one lieutenant colonel of the National Guard, for terms of four years, and any such officer while so assigned shall, subject to such regulations as the President may prescribe, receive out of the whole fund appropriated for the support of the militia the pay and allowances of a Regular Army officer having the same rank

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and length of service as said National Guard officer, whose prior service in the Organized Militia shall be counted in ascertaining his rights under this proviso.

SEC. 82. ARMAMENT, EQUIPMENT, AND UNIFORM OF THE NATIONAL GUARD.—The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army.

SEC. 83. The Secretary of War is hereby authorized to procure, under such regulations as the President may prescribe, by purchase or manufacture, within the limits of available appropriations made by Congress, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, such number of United States service arms, with all accessories, field-artillery matériel, engineer, coast artillery, signal, and sanitary matériel, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That as a condition precedent to the issue of any property as provided for by this Act, the State, Territory, or the District of Columbia desiring such issue shall make adequate provision, to the satisfaction of the Secretary of War, for the protection and care of such property: *Provided further*, That, whenever it shall be shown to the satisfaction of the Secretary of War that the National Guard of any State, Territory, or the District of Columbia, is properly organized, armed, and equipped for field service, funds allotted to that State, Territory, or District for the support of its National Guard may be used for the purchase, from the War Department, of any article issued by any of the supply departments of the Army.

SEC. 84. Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equipment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided for the support of the National Guard.

SEC. 85. Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the War Department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned, and shall not receive any money credit therefor.

SEC. 86. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, any stores, supplies, material of war, and military publications furnished to the Army, in addition to those issued under the provisions of this Act, at the price at which they shall be listed to the Army, with cost of transportation added. The

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funds received from such sale shall be credited to the appropriation to which they shall belong, shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized: *Provided*, That stores, supplies, and matériel of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof, and when so requisitioned by the United States and delivered credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia.

SEC. 87. DISPOSITION AND REPLACEMENT OF DAMAGED PROPERTY, AND SO FORTH.—All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard, detailed by the Secretary of War, and the report of such surveying officer shall be forwarded to the Secretary of War, or to such officer as he shall designate to receive such reports; and if it shall appear to the Secretary of War from the record of survey that the property was lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor. If it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable State, Territory, or District of Columbia, to be paid from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided further*, That if any State, Territory, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment shall have been made.

SEC. 88. The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments

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shall be covered into the Treasury of the United States, as shall also stoppages against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard.

SEC. 89. HORSES FOR CAVALRY AND FIELD ARTILLERY OF NATIONAL GUARD.—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery and Cavalry of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes.

Horses so purchased may be issued not to exceed thirty-two to any one battery or troop, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the use of such organizations, condemned Army horses which are no longer fit for service, but which may be suitable for the purposes of instruction, such horses to be sold as now provided by law when said purposes shall have been served.

SEC. 90. Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government horses issued to any battery or troop, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery or troop, shall be duly enlisted therein and shall be detailed by the battery or troop commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.

SEC. 91. DISCIPLINE TO CONFORM TO THAT OF REGULAR ARMY.—The discipline (which includes training) of the National Guard shall conform to the system which is now or may hereafter be prescribed for the Regular Army, and the training shall be carried out by the several States, Territories, and the District of Columbia so as to conform to the provisions of this Act.

SEC. 92. TRAINING OF THE NATIONAL GUARD.—Each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least fifteen days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such

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assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War.

SEC. 93. INSPECTIONS OF THE NATIONAL GUARD.—The Secretary of War shall cause an inspection to be made at least once each year by inspectors general, and if necessary by other officers, of the Regular Army, detailed by him for that purpose, to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this Act. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this Act, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this Act.

SEC. 94. ENCAMPMENTS AND MANEUVERS.—Under such regulations as the President may prescribe the Secretary of War is authorized to provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia, such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of such State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled by law.

SEC. 95. When any part of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction at a United States military post, or reservation, or elsewhere, if in conjunction with troops of the United States, the command of such military post or reservation and of the officers and troops of the United States on duty there or elsewhere shall remain with the commander of the United States troops without regard to the rank of the commanding or other officer of the National Guard temporarily engaged in the encampments, maneuvers, or other exercises.

SEC. 96. USE OF REGULAR ARMY PERSONNEL.—The Secretary of War may detail one or more officers and enlisted men of the Regular Army to attend any encampment, maneuver, or other exercise for field or coast-defense instruction of the National Guard, who shall give such instruction and information to the officers and men

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assembled for such encampment, maneuver, or other exercise as may be directed by the Secretary of War or requested by the governor or by the commanding officer of the National Guard there on duty.

SEC. 97. Under such regulations as the President may prescribe the Secretary of War may provide camps for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition, at the same rates as for encampments or maneuvers for field or coast-defense instruction.

SEC. 98. When any portion of the National Guard shall participate in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, under the provisions of this Act, it may, after being duly mustered, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive; and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same.

SEC. 99. NATIONAL GUARD OFFICERS AND MEN AT SERVICE SCHOOLS, AND SO FORTH.—Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted man shall receive, out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters, or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction: *Provided*, That in no case shall the pay and allowances authorized by this section exceed those of a captain.

SEC. 100. DETAIL OF OFFICERS OF REGULAR ARMY TO DUTY WITH THE NATIONAL GUARD.—The Secretary of War shall detail officers of the active list of the Army to duty with the National Guard in each State, Territory, or District of Columbia, and officers so detailed may accept commissions in the National Guard, with the permission of the President and terminable in his discretion, without vacating their commissions in the Regular Army or being prejudiced in their relative or lineal standing therein. The Secretary of War may, upon like application, detail one or more enlisted men of the Regular Army with each State, Territory, or District of Columbia for duty

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in connection with the National Guard. But nothing in this section shall be so construed as to prevent the detail of retired officers as now provided by law.

SEC. 101. NATIONAL GUARD, WHEN SUBJECT TO LAWS GOVERNING REGULAR ARMY.—The National Guard when called as such into the service of the United States shall, from the time they are required by the terms of the call to respond thereto, be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law.

SEC. 102. SYSTEM OF COURTS-MARTIAL FOR NATIONAL GUARD.—Except in organizations in the service of the United States, court-martial in the National Guard shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like, and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts.

SEC. 103. General courts-martial of the National Guard not in the service of the United States may be convened by orders of the President, or of the governors of the respective States and Territories, or by the commanding general of the National Guard of the District of Columbia, and such courts shall have the power to impose fines not exceeding $200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

SEC. 104. In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed $100.

SEC. 105. In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment or corps, detached battalion, company, or other detachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding $25 for any single offense; may sentence noncommissioned officer to reduction to the

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ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

SEC. 106. All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized.

SEC. 107. No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial, not in the service of the United States, shall be executed until approved by the governor of the State or Territory concerned, or by the commanding general of the National Guard of the District of Columbia.

SEC. 108. In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpœnas and subpœnas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.

All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision shall have been made for such action, and in the Territories and the District of Columbia, such processes and sentences shall be executed by a United States marshal or his duly appointed deputy, and it shall be the duty of any United States marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same.

SEC. 109. PAY FOR NATIONAL GUARD OFFICERS.—Certain commissioned officers on the active list belonging to organizations of the National Guard of each State, Territory, and the District of Columbia participating in the apportionment of the annual appropriation for the support of the National Guard shall receive compensation for their services, except during periods of service for which they may become lawfully entitled to the same pay as officers of corresponding grades of the Regular Army, as follows, not to include longevity pay: A captain $500 per year and the same pay shall be paid to every officer of higher rank than that of captain, a first lieutenant $240 per year, and a second lieutenant $200 per year. Regulations to be prescribed by the Secretary of War shall determine the amount and character of service that must be rendered by officers to entitle them to the whole or specific parts of the maximum pay hereinbefore authorized: *Provided*, That all staff officers, aids-de-camp, and chaplains shall receive not to exceed one-half of the pay of a captain, except that regimental adjutants, and majors and captains in command of machine-gun companies, ambulance companies, field hospital companies, or sanitary troops shall receive the pay hereinbefore authorized for a captain.

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SEC. 110. PAY FOR NATIONAL GUARD ENLISTED MEN.—Each enlisted man on the active list belonging to an organization of the National Guard of a State, Territory, or the District of Columbia, participating in the apportionment of the annual appropriation for the support of the National Guard, shall receive compensation for his services, except during periods of service for which he may become lawfully entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to twenty-five per centum of the initial pay now provided by law for enlisted men of corresponding grades of the Regular Army: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than forty-eight regular drills during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than twenty-four; and no such enlisted man shall receive any part of said compensation except as authorized by this proviso and the three provisos next following: *Provided further*, That the compensation provided herein shall be computed for semiannual periods, beginning the first day of January and the first day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semiannual period of any year unless he shall have attended during said period at least twenty-four drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semiannual period in computing the compensation, if any, due him for that year: *Provided further*, That when any man enters into an enlistment other than an immediate reenlistment he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to twenty-four is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire the compensation, if any, to which he may be entitled shall be determined in like manner: *Provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.

All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the thirty-first day of December and the thirtieth day of June of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over sixty-four years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary

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of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the Pay, Inspection, Subsistence, and Medical Departments, hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District: *Provided further*, That the preceding proviso shall not apply to any State, Territory, or District until sixty days next after the adjournment of the next session of its legislature held after the approval of this Act.

SEC. 111. NATIONAL GUARD WHEN DRAFTED INTO FEDERAL SERVICE.—When Congress shall have authorized the use of the armed land forces of the United States, for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. All persons so drafted shall, from the date of their draft, stand discharged from the militia, and shall from said date be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Volunteer Army, and shall be embodied in organizations corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof, officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service.

SEC. 112. RIGHTS TO PENSIONS.—When any officer or enlisted man of the National Guard drafted into the service of the United States in time of war is disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States in time of war or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

SEC. 113. ENCOURAGEMENT OF RIFLE PRACTICE.—The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all

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sections of the country. And that all ranges so established and all ranges which may have already been constructed, in whole or in part, with funds provided by Congress shall be open for use by those in any branch of the military or naval service of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War. That the President may detail capable officers and noncommissioned officers of the Regular Army and National Guard to duty at such ranges as instructors for the purpose of training the citizenry in the use of the military arm. Where rifle ranges shall have been so established and instructors assigned to duty thereat, the Secretary of War shall be authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice.

SEC. 114. TEMPORARY VACANCIES IN REGULAR ARMY DUE TO DETAILS TO THE NATIONAL GUARD.—In time of war the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army, through appointments of officers thereof to higher rank in organizations composed of members taken from the National Guard, shall be filled by temporary promotions according to seniority in rank from officers holding commissions in the next lower grade in said arm, staff corps, or department, and all vacancies created in any grade by such temporary promotions shall be in like manner filled from, and thus create temporary vacancies in, the next lower grade, and the vacancies that shall remain thereafter in said arm, staff corps, or department and that can not be filled by temporary promotions, as prescribed in this section, may be filled by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections twenty-six and twenty-seven of the Act of February second, nineteen hundred and one, and Acts amendatory thereof, temporary vacancies that can not be filled by temporary promotions as hereinbefore prescribed shall be filled by temporary details in the manner prescribed in said sections twenty-six and twenty-seven, and Acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details shall be so made shall be filled as hereinbefore in this section prescribed: *Provided further*, That officers temporarily promoted or appointed under the terms of this section shall be promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the war or the passing of the emergency for which additional forces were brought into the military service of the United States, and at the termination of the war or the passing of the emergency said officers shall be discharged from the positions held by them under their temporary commissions or appointments, and officers detailed as herein authorized shall be relieved from their temporary details: *And provided further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

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SEC. 115. PHYSICAL EXAMINATION.—Every officer and enlisted man of the National Guard who shall be called into the service of the United States as such shall be examined as to his physical fitness under such regulations as the President may prescribe without further commission or enlistment: *Provided*, That immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department.

SEC. 116. NONCOMPLIANCE WITH FEDERAL ACT.—Whenever any State shall, within a limit of time to be fixed by the President, have failed or refused to comply with or enforce any requirement of this Act, or any regulation promulgated thereunder and in aid thereof by the President or the Secretary of War, the National Guard of such State shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this Act or any other law.

SEC. 117. APPLICABLE TO LAND FORCES ONLY.—The provisions of this Act in respect to the militia shall be applicable only to militia organized as a land force and not to the Naval Militia, which shall consist of such part of the militia as may be prescribed by the President for each State, Territory, or District: *Provided*, That each State, Territory, or District maintaining a Naval Militia as herein prescribed may be credited to the extent of the number thereof in the quota that would otherwise be required by section sixty-two of this Act.

SEC. 118. NECESSARY RULES AND REGULATIONS.—The President shall make all necessary rules and regulations and issue such orders as may be necessary for the thorough organization, discipline, and government of the militia provided for in this Act.

SEC. 119. ANNUAL ESTIMATES REQUIRED.—The Secretary of War shall cause to be estimated annually the amount necessary for carrying out the provisions of so much of this Act as relates to the militia, and no money shall be expended under said provisions except as shall from time to time be appropriated for carrying them out.

SEC. 120. PURCHASE OR PROCUREMENT OF MILITARY SUPPLIES IN TIME OF ACTUAL OR IMMINENT WAR.—The President, in time of war or when war is imminent, is empowered, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company,

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association, corporation, or orgauized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition, or parts of ammunition, or any necessary supplies or equipment for the Army, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just.

The Secretary of War shall also make, or cause to be made, a complete list of all privately owned plants in the United States equipped to manufacture arms or ammunition, or the component parts thereof. He shall obtain full and complete information regarding the kind of arms or ammunition, or the component parts thereof, manufactured or that can be manufactured by each such plant, the equipment in each plant, and the maximum capacity thereof. He shall also prepare, or cause to be prepared, a list of privately owned manufacturing plants in the United States capable of being readily transformed into ammunition factories, where the capacity of the plant is sufficient to warrant transforming such plant or plants into ammunition factories in time of war or when war shall be imminent; and as to all such plants the Secretary of War shall obtain full and complete information as to the equipment of each such plant, and he shall prepare comprehensive plans for transforming each such plant into an ammunition factory, or a factory in which to manufacture such parts of ammunition as in the opinion of the Secretary of War such plant is best adapted.

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The President is hereby authorized, in his discretion, to appoint a Board of Mobilization of Industries Essential for Military Preparedness, nonpartisan in character, and to take all necessary steps to provide for such clerical assistance as he may deem necessary to organize and coordinate the work hereinbefore described.

SEC. 121. INVESTIGATION AS TO GOVERNMENT MANUFACTURE OF ARMS, AND SO FORTH.—The Secretary of War is hereby authorized to appoint a board of five citizens, two of whom shall be civilians and three of whom shall be officers of the Army, to investigate and report to him the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, and equipment, showing in said report the comparative prices of the arms, munitions, and equipment manufactured in Government plants and those manufactured in private plants, the amount of money necessary to build and operate Government plants for the manufacture of arms, munitions, and equipment; showing also what the Government plants and arsenals are now doing in the way of manufacturing arms, munitions, and equipment, and what saving has accrued to the Government by reason of its having manufactured a large part of its own arms, munitions, and equipment for the last four years. And the Secretary of War is hereby directed to transmit said report to Congress on or before January first, nineteen hundred and seventeen.

SEC. 122. INVESTIGATION CONCERNING MEDALS OF HONOR.—A board to consist of five general officers on the retired list of the Army shall be convened by the Secretary of War, within sixty days after the approval of this Act, for the purpose of investigating and reporting upon past awards or issues of the so-called Congressional medal of honor by or through the War Department; this with a view to ascertain what medals of honor, if any, have been awarded or issued for any cause other than distinguished conduct by an officer or enlisted man in action involving actual conflict with an enemy by such officer or enlisted man or by troops with which he was serving at the time of such action. And in any case in which said board shall find and report that said medal was issued for any cause other than that hereinbefore specified the name of the recipient of the medal so issued shall be stricken permanently from the official medal of honor list. It shall be a misdemeanor for him to wear or publicly display said medal, and, if he shall still be in the Army, he shall be required to return said medal to the War Department for cancellation. Said board shall have full and free access to and use of all records pertaining to the award or issue of medals of honor by or through the War Department. The actual and necessary expenses of said board and its members shall be paid out of any appropriations available for contingent expenses of the Army of the War Department.

SEC. 123. PROCUREMENT OF GAUGES, DIES, JIGS, AND SO FORTH, NECESSARY FOR MANUFACTURE OF ARMS, AND SO FORTH.—The Secretary of War be, and he is hereby, authorized to prepare or cause to be prepared, to purchase or otherwise procure, such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, as may be necessary for the immediate manufacture, by the Government and by private manufacturers, of arms, ammunition, and special equipment necessary to arm and equip the land forces likely to be required by the United States in time of

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war: *Provided*, That in the expenditure of any sums appropriated to carry out the purposes of this section the existing laws prescribing competition in the procurement of supplies by purchase shall not govern, whenever in the opinion of the Secretary of War such action will be for the best interest of the public service.

SEC. 124. NITRATE SUPPLY.—The President of the United States is hereby authorized and empowered to make, or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this Act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States, or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.

The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.

The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.

The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.

The plant or plants provided for under this Act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

In order to raise the money appropriated by this Act and necessary to carry its provisions into effect, the Secretary of the Treasury, upon the request of the President of the United States, may issue and sell, or use for such purpose or construction hereinabove

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authorized, any of the bonds of the United States now available in the Treasury of the United States under the Act of August fifth, nineteen hundred and nine, the Act of February fourth, nineteen hundred and ten, and the Act of March second, nineteen hundred and eleven, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $20,000,000: *Provided*, That any Panama Canal bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix, instead of fifty years after date of issue, as in said Act of August fifth, nineteen hundred and nine, not exceeding fifty years.

SEC. 125. PROTECTION OF THE UNIFORM.—It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps, to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and mem-

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bers of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 126. On and after July first, nineteen hundred and sixteen, an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 3½ cents per mile from the place of his discharge to the place of his acceptance for enlistment, enrollment, or original muster into the service, at his option: *Provided*, That for sea travel on discharge transportation and subsistence only shall be furnished to enlisted men.

SEC. 127. Nothing in this Act shall be held or construed so as to discharge any officer from the Regular Army or to deprive him of the commission which he now holds therein.

SEC. 128. All laws and parts of laws in so far as they are inconsistent with this Act are hereby repealed.

And the Senate agree to the same.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
J. C. W. BECKHAM,
R. F. BROUSSARD,
H. A. DU PONT,
F. E. WARREN,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House on the disagreeing votes of the two Houses on H. R. 12766, a bill to increase the efficiency of the Military Establishment of the United States, make the following statement:

The differences between the two Houses were so wide that the conferees were compelled to rewrite in a great many particulars the bill of the House and the Senate amendment thereto.

The bill, as agreed upon by the conferees, provides for a standing Army in time of peace of 175,000 enlisted men of the line, in addition to which are to be added the enlisted men of the Hospital Corps, the Quartermaster Corps, the Signal Corps, and the Philippine Scouts.

The section of the Senate amendment providing for a Volunteer Army was stricken from the Senate amendment, as was also the provision providing for a reserve army through training in schools, known as the Hardwick amendment.

The provision in the Senate amendment providing for vocational training of enlisted men of the Regular Army was modified so as to give to the Secretary of War full discretion as to the hours of instruction and training.

The organizations provided for in the Senate amendment were accepted by the House.

The increase of officers and organizations are to be made in five annual increments. The General Staff Corps, The Adjutant General's Department, the Inspector General's Department, the Judge Advocate General's Department, and the Quartermaster Corps are all adequately provided for to meet the increase in the Army. The Senate accepted the provision of the House bill with regard to the Medical Corps, which provided for 7 medical officers for every 1,000 of the enlisted strength of the Army.

The Ordnance Department is provided for as in the House bill.

The Signal Corps is increased and the aviation section of the corps is also increased.

The Senate accepted the House provision as to veterinarians.

The Senate accepted the House provision as to Porto Rico Regiment of Infantry.

The House accepted the number of detached officers provided for in the Senate amendment for duty with the National Guard and other detached duty. The House accepted the provision for the retirement of the officers of the Philippine Scouts.

Enlistment in the Regular Army are provided for as follows: A term of seven years, three years with the colors and four in the reserve, and the further provision that an enlisted man serving in continental limits of the United States after one year's honorable service may be furloughed to the reserve upon the recommendation of his company, troop, battery, or detachment commander, in the discretion of the Secretary of War.

Provision is also made for reenlistment.

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Provision is made for an Army reserve and also for an Enlisted Reserve Corps.

Provision is also made for an Officers' Reserve Corps, both for the Regular Army and the National Guard.

The Reserve Officers' Training Corps, which the President is authorized to establish and maintain in civil educational institutions, is retained in the bill as it appeared both in the House bill and the Senate amendment, and is known as the Pomerene guard provision.

The Senate accepted the House provision as to the organization and federalization of the National Guard, with the exception that the oath of commissioned officers and enlisted men of the National Guard is the same as is provided for in the Senate amendment and the section of the Senate amendment with regard to the adjutant generals of the States is incorporated in the bill.

The nitrate proposition as it passed the House was agreed to by the Senate, no change having been made in the House provision.

There is retained in the bill the House provision for the utilization and mobilization of the industries of the country in time of war, and also the House provision providing for a board of five citizens to investigate and report upon the practicability of the Government manufacturing arms, munitions, and equipment.

Also the provision authorizing the Secretary of War to purchase or otherwise procure gauges. dies, tools, and fixtures known as the Tilson amendment.

The bill also provides for summer training camps.

JAMES HAY,
S. H. DENT, Jr.,
JULIUS KAHN,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 697.

FEDERAL MOTION-PICTURE COMMISSION.

MAY 17, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HUGHES, from the Committee on Education, submitted the following

REPORT.

[To accompany H. R. 15462.]

The Committee on Education, to whom was referred H. R. 15462, have considered the same and submit the following report, with the recommendation of the committee that the bill do pass:

The necessity for regulation of motion pictures is apparent. It has been acknowledged by a large majority of the film manufacturers by their voluntary submission of their films to unofficial boards for approval. That the public demands this regulation is demonstrated by the scrupulous regularity with which the producers exhibit such approval at the end of each picture.

The vicious picture brings the larger return to exhibitor and producer, because it gets the money of the regular customer and the sensation seeker also. This state of affairs constitutes a temptation hard to resist, and, in fact, the production of vicious pictures is constantly increasing just because they are more profitable. If the industry is to endure, if decent people are to stay in the business, this cancer must be cut out. A Federal regulatory commission should prove a fearless surgeon, and we therefore favor such a commission.

This statement of conditions is made in the brief filed with the committee by the legal representatives of four of the ten manufacturers who produce 90 per cent of the motion pictures in the United States, and by the legal representatives of one of the largest distributors of motion pictures in this country. The brief in full accompanies this report.

This bill has the earnest support of the leading moral and religious organizations of the Nation. A similar bill was unanimously reported to the House from this committee in the last Congress.

With the acknowledgment of the need of regulation both by the motion-picture interests and the public they serve, the question arises as to what shall be the regulation and who shall do the regulating. The National Board of Review at New York City is composed of

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representatives of various moral and civic organizations. The expenses of this board are paid by some of the leading motion-picture interests, and it has no legal authority. At the request of the manufacturers this board passes upon the pictures. It is estimated that more than 95 per cent of all pictures produced in this country are passed upon by this unofficial board.

In addition to this voluntary board there are numerous official censors, both State and municipal. The establishment of such large numbers of these local boards, which are rapidly increasing, clearly demonstrates the inadequacy of the so-called National Board of Review, which by its very unofficial character can not exercise effective supervision. Though it were to exercise a careful and intelligent supervision over 95 per cent of all pictures, still there would remain 5 per cent which could be immoral and unfit to be shown. It is only fair to assume that those pictures which are most objectionable will not voluntarily be submitted for review. An unofficial board which has not the right to examine 100 per cent of the pictures is in reality not a board of regulation, but a board of recommendation and approval. As a matter of fact, evidence before the committee discloses that a very considerable percentage of the pictures approved by the unofficial board are declared by the local boards unfit for exhibition. The decision of the National Board of Review is not binding. Pictures which have been disapproved by it are shown to the public.

The character of the motion-picture industry renders State and municipal regulation inadequate. Motion-picture films are essentially articles of interstate commerce. They are not manufactured for use in any one State or municipality, but practically every picture is exhibited in all of the States of the Union. Innumerable inspections by local boards work great hardships on the industry. In the absence of any official Federal regulation the States and cities are finding it necessary to establish these local boards to prevent the exhibition of immoral, indecent, and obscene pictures. The only adequate method of regulating motion pictures is to be had in a Federal commission, and the establishment of such a commission is the one way to obviate the necessity for innumerable local boards.

The bill which this report accompanies provides for the appointment by the President of five commissioners, and a supplementary force of deputy commissioners to be appointed by the commission. The commission is required to license each film intended for interstate commerce unless it finds that such film, or a part thereof, is obscene, indecent, immoral, inhuman, or is a reproduction of an actual bull fight or prize fight, or is of such a character that its exhibition would tend to corrupt morals or incite crime.

The main offices of the commission are to be at Washington, but the commission is granted authority to establish branch offices where necessary. Each branch office is to be in charge of one of the commissioners or a deputy who is clothed with the power of a commissioner. Licenses may be issued by this commissioner or deputy commissioner at such branch office. Should he render an adverse decision on the film, the producer has the right to appeal to the full commission, and in all cases the producer can appeal from decisions of the commission to the Court of Appeals of the District of Columbia.

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The commission is authorized to issue licenses for pictures which are to be shown only to people over 16 years of age.

It is provided that a film not having been licensed by the commission shall not be transported in interstate commerce. The exhibition of unlicensed pictures at places of amusement for pay in the District of Columbia or in any of the Territories of the United States, or any place where the local police power is in the jurisdiction of the Federal Government, is prohibited. The penalty for a violation of this act is a fine of not more than $1,000 or imprisonment not more than one year, or both, and the confiscation of the films illegally transported, exhibited, or changed. Motion-picture films meant for use by the learned professions and not for purposes of entertainment are excepted from the operation of this bill. Films known in the industry as "news films"—those depicting current events—may be granted a permit so that they can be shown immediately after manufacture, the commission having authority to withdraw the permit when this privilege is abused. All motion-picture films which are in existence at the time this act is approved shall be granted a permit to enter interstate commerce without examination.

License fees of $2 for 1,000 feet of film for originals and 50 cents for each duplicate copy are provided in this bill. It is estimated that 200 original reels of 1,000 feet each are produced weekly in this country. The best figures obtainable indicate that an average of 25 duplicates are made of each original. The income from the originals would therefore be $400 per week or $20,800 per annum, and from the duplicates $2,500 per week or $130,000 per annum. The total income is therefore estimated at $150,800. The commission is required to revise these fees after six months so that only an amount sufficient to bear the expenses of the commission will be collected.

In the consideration of this measure your committee, after once determining that regulation of motion pictures was a pressing necessity for the protection of the public, and particularly the children, against vicious and immoral pictures, sought to frame a bill which would meet the needs of the public and not work unnecessary hardships on the industry. The measure which your committee reports has the indorsement of leading producers of motion picture films and others engaged in the industry.

STATEMENT OF MESSRS. MEYERS & CLARK, ATTORNEYS FOR PARAMOUNT PICTURES CORPORATION; E. J. LUDVIGH, RALPH A. KOHN, ATTORNEYS FOR FAMOUS PLAYERS FILM CO.; ARTHUR S. FRIEND, ATTORNEY FOR JESSE L. LASKY FEATURE PLAY CO. (INC.); AND MORITZ ROSENTHAL, ATTORNEY FOR WORLD FILM CORPORATION AND EQUITABLE MOTION PICTURES CORPORATION.

Hon. D. M. HUGHES,
Chairman Committee on Education, House of Representatives,
Washington, D. C.

SIR: The undersigned, representing substantial interests in the motion-picture industry, viz, Paramount Pictures Corporation, Famous Players Film Co., Jesse L. Lasky Feature Play Co. (Inc.), World Film Corporation, and Equitable Motion Pictures Corporation, submit herewith for your consideration a revision of the Smith-Hughes bill (S. 2204; H. R. 456) which, while crude in form, covers practical points of great importance to the trade, and will, we trust, serve as a working basis for a bill to be reported by your committee.

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While the idea of censorship of motion pictures is distasteful to our clients, as well as to others in the business, our support of the principle of regulation embodied in the bill before you is due to our realization of unfavorable conditions in the industry which can not be corrected by ordinary means nor by sporadic and occasional criminal prosecutions, procured by the better elements of the business or by individual or organized reformers. The motion-picture business, now of vast financial importance, has had a mushroom growth and is not yet homogeneous and standardized. Too many persons engaged in the business look upon it as a temporary means of getting money instead of a permanent business, the continued profit of which is dependent upon the quality and character of the productions. They are like miners who quickly exhaust the high-grade ore and leave the low grade on the dump. They are get-rich-quick artists, looking for a quick "clean-up and a get-away." They find the opportunity for such methods in producing and exhibiting sensational productions which display scenes of lust and crime.

Unfortunately, the public is not yet discriminating and goes to see both bad and good, which are usually to be found upon the weekly program of the same theater. Still more unfortunately, the vicious picture brings the larger return to exhibitor and producer, because it gets the money of the regular customer and the sensation seeker also. This state of affairs constitutes a temptation hard to resist and, in fact, the production of vicious pictures is constantly increasing just because they are more profitable. If the industry is to endure, if decent people are to stay in the business, this cancer must be cut out. A Federal regulatory commission should prove a fearless surgeon and we therefore favor such a commission.

The motion-picture business has three well-defined divisions—production, distribution, and exhibition. The producer deals with authors and performers and makes the pictures. The distributor contracts with the producer for his product and through local offices, known as exchanges, places it in the hands of the exhibitor. The exhibitor deals directly with the public. All three divisions of the business would be affected adversely by an act providing for Federal regulation which overlooked the practical needs of the business. In order that those needs may be served, we urge you to include in any bill which you may report provisions as follows:

(1) Local offices for the commission in New York and Los Angeles, so that the producers, most of whom operate in those cities or their vicinity, may have ready access to the supervising authority and prompt consideration of their product.

(2) Authority to the commissioner or deputy in charge of a local office to grant or refuse a license. This is necessary to procure the prompt action on applications, which the producer requires in order to meet his engagements with the distributor, covering a constant and frequent supply of pictures, and which the distributor requires in order to enable the exchanges to supply to the exhibitors the daily and weekly changes covered by their contracts. Delay would certainly be costly and might be fatal to the organized business.

(3) A provision for condemnation of specific parts of a film, which, when the same are eliminated, shall become entitled to license.

(4) A provision for review by the commission when the examiner refuses a license. As the determination of the question whether a film is entitled to license is not based upon exact standards but is a matter of opinion only, it should not be possible for one man, in his discretion, to destroy the large investment represented by a modern photoplay.

(5) A provision for an appeal to the Court of Appeals of the District of Columbia from a refusal to license. As the determination by the commission would be really arbitrary because of the absence of legal tests or recognized standards, it is of the greatest importance that the commission should not be vested with supreme power. Where great property interests are involved, the citizen should always be afforded an opportunity for relief from the court, if he feels that he has been treated unjustly.

(6) A provision permitting the producer to transport films prior to application for license. The producer should be free to transport a film from its place of manufacture to his home office or other place, where it will be cut and trimmed and otherwise prepared for exhibition.

7. A provision for substantial salaries for the commissioners, so that the President can secure the services of capable men, who will accept office as a career and not for the purpose of carrying out preconceived and perhaps prejudiced ideas as to reform of the film industry.

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(8) An exemption from the operation of the act of (*a*) films exhibited to the public prior to its enactment, and (*b*) films which do not contain any dramatic or fictional element, such as pictures of current events, commonly known as news pictures and topical reviews, and pictures of places and peoples, geographical in nature, and commonly known as travel pictures.

(9) A provision granting discretion to the commission to issue a permit under which films may be exhibited pending revocation of the permit and application for license. Such a provision would enable the commission to adjust the burden of temporarily accumulated applications by granting permits (in effect, temporary licenses) to producers whose history and reputation entitle them to a presumption of complying with the law.

As we are moved by the sincere purpose of cooperating with your committee in procuring a draft of an act which should prove effective and workable and at the same time fair to the decent people in the motion-picture business, we respectfully request that when a bill is ready for action by the committee a copy shall be sent to us, and we shall be given an opportunity to appear before the committee and make such suggestions and criticisms as may occur to us.

MEYERS & CLARK,
Attorneys for Paramount Picture Corporation.

E. J. LUDVIGH,
RALPH A. KOHN,
Attorneys for Famous Players Film Co.

ARTHUR S. FRIEND,
Attorney for Jesse L. Lasky Feature Play Co. (Inc.).

MORITZ ROSENTHAL,
Attorney for World Film Corporation and Equitable Motion Pictures Corporation.

NEW YORK, *January 25, 1916.*

(NOTE.—H. R. 456 was the original bill, which was amended by the committee and reintroduced as H. R. 15462.)

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPT. 697. PART 2.

FEDERAL MOTION-PICTURE COMMISSION.

MAY 22, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DALLINGER, from the Committee on Education, submitted the following

MINORITY VIEWS.

[To accompany H. R. 15462.]

This bill proposes to regulate by a Federal commission the principal amusement agency and what is rapidly coming to be one of the chief educational agencies of the people of the United States. It is not proposed to censor the plays or operas produced at the high-priced theaters throughout the country, but it is proposed to give five men at Washington the absolute power to determine beforehand what the great mass of the American people shall be permitted to see depicted upon the motion-picture screen. Before the National Government undertakes to thus exercise the local police power hitherto reserved to the States, and to regulate purely local amusements, thus stretching the implied power of the interstate-commerce clause of the Federal Constitution to the breaking point, it is incumbent upon the proponents of such legislation to show that a widespread evil exists with which the State and local authorities are unable to cope.

At the hearings before the committee practically no real evidence was introduced tending to show that any significant proportion of the moving-picture films now being exhibited in the United States are objectionable. In the last analysis it appears that what the proponents of this legislation really desire is to prevent the exhibition through the agency of the motion-picture film of any book or play which in any way depicts crime or immorality, or paints the evil side of human life, on the ground that such scenes tend to corrupt morals and incite to crime. It is obvious that any such test as this would prevent the great mass of the American people, whose limited means will not permit them to patronize the high-priced theaters, from seeing depicted on the motion-picture screen practically all the great works of literature from the beginning of time. Judged by any such standard most of Shakespeare's plays and even many parts of the Sacred Scriptures would be barred. That there are occasional

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indecent and obscene motion-picture films exhibited here and there, is perfectly true, just as there are obscene and indecent plays produced in high-priced theaters and indecent and immoral books published. Such productions, however, are already prohibited by the laws of the several States, and their transportation from State to State is also prohibited by Federal statute under severe penalties. In our opinion, an amendment to the United States Penal Code including motion-picture films in the list of objects barred from interstate transportation will answer every purpose and is as far as Federal legislation should go. Such an amendment is proposed in a bill introduced in the present Congress and now pending before the Committee on the Judiciary.

Moreover, there was no evidence whatever before the committee that local regulation of the exhibition of motion-picture films has proved ineffective where it has been tried. It is entirely within the power of the several States to provide that the executive or police authorities of the local communities shall have absolute power to grant and revoke licenses for all places of amusement within their several jurisdictions, and in many communities this power is now being effectively exercised. Furthermore, most of the States already have laws making it a criminal offense, punishable by fine and imprisonment, to exhibit any obscene or indecent picture. Where the local police power is thus ample to effectively deal with whatever evils exist in the motion-picture business, regulation by the National Government is manifestly uncalled for, unnecessary, and unjustifiable.

The overwhelming weight of opinion amongst those producing motion pictures is against the proposed censorship bill. The opposition to the bill represents more than 85 per cent of the total number of motion-picture films produced. Those manufacturers who favor the bill represent a very insignificant proportion of the output. The attitude of this inconsiderable minority is naturally and frankly selfish and commercial. They believe that it would be less expensive and troublesome to deal with and perchance control a single Federal censorship commission than to deal with or to control the several State authorities acting under their already ample police powers. The notorious effectiveness of the prepublicity censorship of theatrical productions in England has undoubtedly influenced this minority of the moving-picture manufacturers to believe that a like national prepublicity censorship as provided in this bill will have a similar effect in this country.

In England the evidence produced before a special parliamentary committee which made a very exhaustive investigation and report in 1909 has established the following facts:

(1) Prepublicity censorship "tends to hinder the growth of a great and serious drama" by discouraging distinguished authors whose time is valuable from jeopardizing their time by writing plays which might be destroyed by the whimsical opinion of a censor.

(2) It fails to prevent the production of immoral plays.

(3) It atrophies the exercise of the local police power over local production of immoral plays because they have been licensed by the national censorship authority.

(4) The censorship authority falls under the influence of the large theater interests and tends to exercise its censorial powers with undue consideration for box-office receipts.

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(5) The large theater interests favor the continuance of the censorship bureau because it gives questionable productions immunity from prosecution by the local authorities.

(6) The great literary lights of England are almost unanimous against prepublicity censorship.

These considerations led the special parliamentary committee to recommend the abolition of prepublicity censorship in Great Britain.

The great majority of the motion-picture interests oppose this prepublicity censorship bill because it is in their judgment a bill that will tend to stunt the natural development of the usefulness of the moving-picture art and will tend to confine it, as it has the English drama, to the lighter forms of mere amusement when its potential utility lies in the far wider field of information and propaganda. They believe that they are consulting an enlightened selfishness when they seek to keep the moving-picture film from the stunting influence of arbitrary power, for this development of the potential utility of the art means a tremendous increase of business. They also frankly say that they are unwilling to enter into an inevitable political contest for the control of the censorship commission to be established by this bill. They fear the power of the censorship under a rival's influence, because it is a power over their business of life and death. The elaborate productions which are now being presented represent enormous outlays—sometimes more than a half a million dollars—before they can be exhibited to the proposed censors. A censorship commission under the influence of a rival could thus absolutely ruin a producer by exercising corruptly or even with unconscious partiality the arbitrary power vested in this commission to condemn the film.

But we regard the balance of interests between those several small producers catering to high-priced houses who believe in censorship because it will relieve them of the necessity of deferring to local standards of decency, on the one hand, and those large producers who want to leave the industry free to develop still greater fields of usefulness, on the other, as of little moment compared with another and very grave phase of this question.

The most serious objection to this bill lies in the power it seeks to give an executive commission to trammel the moving-picture art, the propagandist power of which is already marvelously developed, and the potential power of which seems limitless.

It is in this rapidly developing power and use for propaganda that the moving-picture film has taken its place beside speech and press as a thing to be kept free from arbitrary control in the interest of free institutions. The essence of free speech and of a free press is the power for propaganda as the media of intelligence. It was this power which reactionary authority in the old days sought to repress and which the guardians of free institutions struggled to keep free. In the beginning the attack was made upon free speech and upon free drama before the development of the printing press gave writing and printing also an effective power of propaganda. Before the influence of the press upon public opinion became effective, and before it was recognized as a possible aid to the discussion of political, economic, and social questions, the drama was largely used as a propagandist instrumentality. Down even to the time of Walpole's ministry in England the drama was a very effective means of stirring public

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opinion, and the early laws providing for the censorship of the drama were political devices to muzzle it as an instrument which might be used against those in power. Walpole, whose government was the most corrupt England ever knew, found his power threatened by a popular play exposing the venality of his political followers and he learned that another play was about to be produced. It was to stop this second play that he caused to be enacted the present censorship law in England. It was effective. All attempts to arouse the people of England to the shame of Walpole's government through the medium of the theater ceased immediately.

Thus, we see that the original and dominating purpose of the censorship of the drama in England was distinctly political, as was demonstrated by the parliamentary investigation of 1909. But the rapid development in the art of printing soon so overshadowed the drama in the effectiveness of its propagandist power that the struggle to free the drama from censorship was forgotten in the more important struggle to keep the new power—the power of the press—free. For the moment that place and privilege recognized the power of the product of the printing press to effect public opinion, they began to seek means to control it by the device of prepublicity censorship. The struggle to keep the media of intelligence free from the restraint of arbitrary power was thenceforward waged around the question of free speech and a free press until these institutions won their final victory and became firmly planted in the unwritten constitution of Great Britain and in all our own written instruments. Our Federal Constitution, in Article I of the amendments, says:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

If we keep in mind the important fact that the vital thing in speech and press which was sought on the one hand to be restrained and trammeled, and on the other hand to be kept free, was the power of propaganda, we shall understand more clearly the importance of bringing the moving-picture film within the constitutional guaranty of a free speech and a free press, because the analogy in principle and necessity is complete. Indeed, the history of the attempt to censor moving-picture films bears a close analogy to the history of the attempt to abridge the freedom of speech and of the press.

In Ohio, for instance, one of the four States which has a censorship board, it appeared in evidence before the committee that a motion-picture play depicting a manufacturer bountiful in charities which advertised himself, but hard on his employees, was suppressed on the ground that it tended to excite class feeling.

In Pennsylvania the power of the censor was invoked to suppress The Battle Cry of Peace upon the ground that it tended toward a breach of neutrality and to incite military spirit.

In Massachusetts an organization to ameliorate the conditions of child labor has been exhibiting moving pictures of actual conditions in certain manufacturing plants, and the representatives of these manufacturers attempted to stop these exhibitions. If Massachusetts had had a board of censors, who knows what its action would have been in this case?

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In Massachusetts also, moving pictures have been recently used to illustrate the workings of savings bank insurance, an institution very bitterly opposed by the old line insurance companies.

In France the moving-picture films were credited with the tremendous success of the recent French loan, the greatest the world has ever known.

Do we dare to put in the control of an executive board such an extraordinary power—a power to suppress a medium of thought expression which in this country alone speaks to 20,000,000 people every day?

In short, this bill violates the principle of the constitutional guaranty of a free press. It denies to the public the very utility in this wonderful new art which made it so necessary to keep the press free. It gives a few men despotic control over an art which at the very threshold of its development has power to influence more than 20,000,000 people every day. It completes the vicious circle by making it inevitable that the powerful moving-picture industry, already the fourth greatest in the country, will be precipitated into politics and used for political purposes by the party in power.

In our opinion every reasonable protection to the public morals can be secured by the proper exercise of the local police power supplemented by the amendment to the Federal Penal Code already suggested. The extraordinary power vested in the commission proposed to be created by this bill will not only prove ineffective to protect public morals, as experience has shown, but it is utterly un-American in its character and in the highest degree dangerous from every point of view.

WILLIAM W. RUCKER.
CALEB POWERS.
EDMUND PLATT.
FREDERICK W. DALLINGER.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 698.

METHOD OF DIRECTING THE WORK OF GOVERNMENT EMPLOYEES.

MAY 17, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KEATING, from the Committee on Labor, submitted the following

REPORT.

[To accompany H. R. 8665.]

The Committee on Labor, to which was referred H. R. 8665, to regulate the method of directing the work of Government employees, introduced by Mr. Tavenner of Illinois, respectfully report the same back with the following amendments, and recommend that as amended it do pass:

Strike out the preamble; line 7, page 2, after the word "device," insert the words "or system."

The bill as recommended is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to make or cause to be made with a stop watch or other time-measuring device or system a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work. No premiums or bonus or cash reward shall be paid to any employee in addition to his regular wages, except for suggestions resulting in improvement or economy in the operation of any Government plant.

SEC. 2. That any violations of the provisions of this act shall be deemed a misdemeanor and shall be punished by a fine of not more than $500 or by imprisonment of not more than six months, at the discretion of the court.

The object of the above bill is to end the use of the "stop watch" and the bonus and premium systems of payment of employees in Government arsenals and workshops.

Your Committee on Labor made a favorable report on a similar bill in the Sixty-third Congress, but owing to the congested condition of the calendar the House did not have an opportunity to act on it.

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NULLIFYING WILL OF CONGRESS.

However, the substance of the proposed legislation was attached as "riders" to the military and naval appropriation bills for 1916. A brief statement containing those "riders" and the amazing attempt of certain officers of the Government to nullify the plain intent of Congress should prove of interest at this point.

On January 22, 1915, Mr. Deitrick, of Massachusetts, offered the following amendment to the military appropriation bill, then pending in the House:

On page 52, after line 14, insert the following: *Provided*, That no part of the appropriation made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and the completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed.

A point of order was made aganst the amendment, but after extended discussion it was withdrawn and the amendment adopted without a division.

Three days later Brig. Gen. Crozier, Chief of Ordnance, wired the commanding officer at the Watertown, Mass., arsenal as follows:

Cease all time studies ("stop watch" studies) and all premium payments, except such as shall have accrued at time of notification of employees, and notify them at once.

CROZIER.

A similar telegram was sent to the commanding officer at Frankford Arsenal, Philadelphia.

CROZIER ENCOURAGED EMPLOYEES TO PROTEST.

Gen. Crozier, when he appeared before your committee, stated he had sent these telegrams "in order that the employees might protest if they saw fit." On the receipt of the general's telegrams the foremen notified the employees of the arsenals that they would be deprived of the premiums which they had been receiving, but would be expected to do just as much work. In other words, they must continue to "speed up," but without the sustaining hope of reward.

Gen. Crozier denies that he authorized the foremen to issue these instructions, but there is ample evidence to show that they were issued. For example:

On February 5, 1915, during a discussion of the "stop-watch rider" in the House, Mr. Donohoe, then a Member of the House from the city of Philadelphia, said:

Mr. DONOHOE. Mr. Chairman, the Taylor system of shop management is not in force in its entirety in the Frankford Arsenal, although I understand that some of its less objectionable features have been adopted there. A few days ago considerable excitement was caused among some of the employees of the Frankford Arsenal by reason of an order which was issued by the Chief of Ordnance abolishing a premium system that had been in force since 1910 at the arsenal.

I know that the majority of the employees at the arsenal are opposed to anything like the stop-watch system, but those employees who are receiving very small wages

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and who have had a task system established for them feel that it is unfair and quite a loss to them to have this order enforced before the proposition in the Army bill abolishing bonuses becomes a law. They feel that it would be more reasonable to let things continue as they were until the 1st of July or until some more equitable wage scale is established.

The bonus system at the Frankford Arsenal was in force mostly in those departments where females are employed. It worked in this way: The wage rate for the women is $1.16 per day, but for the purpose of increasing the output the management of the arsenal said, "We will fix a task for you, and if you come up to it you shall receive $1.40 per day, and for all in excess of that task you shall receive half the rate that you get for producing the rest." The bonus for excess work brought the wages of the more efficient workers up to, I understand, $1.75 or more per day. Now, these women do not like the idea of going back to $1.16 per day, especially since the foremen have served notice on them that for $1.16 per day they will be expected to come up to their former tasks, for which they got at least $1.40 per day.

I believe, Mr. Chairman, that we have been pursuing an unwise policy in the matter of rates of wages. Instead of establishing a uniform wage scale for a particular class of work in the various shops of the Government throughout the country, we have obliged the commanding officers of those establishments to fix wages in accordance with the rates prevailing in the industrial establishments around them, and we know that it is——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. DONOHOE. Yes.

Mr. BUCHANAN of Illinois. Does the gentleman know that the very system he has explained there is the speed-up system?

Mr. DONOHOE. I do.

Mr. BUCHANAN of Illinois. And that makes inroads on the physical and mental resources of the working people, because it compels them to work under a strain.

Mr. DONOHOE. I have no desire to defend the Taylor system, because I regard it as a most inhuman one. [Applause.]

Mr. BUCHANAN of Illinois. And if they are fair to their employees and expect them to do as much as they did before, ought they not to pay them as much money as they did before?

Mr. DONOHOE. Absolutely so; but I contend that here is the place where we should fix the whole matter by providing for the establishing of uniform rates for the various Government shops in the country rather than by compelling the commanding officers, as we do now, to fix the rates in accordance with the prevailing wage rates in their respective localities. The officers inquire of the establishments around them, and it is not reasonable to suppose that the management of these local establishments have any desire to cause the Government to fix rates that are too high for the locality. I feel, therefore, that Congress should correct this absurdity by the enactment of a law providing that the same wage rates shall prevail in all the various workshops of the Government.

This would put an end to much of the trouble and would tend to establish rates of wages that would be more equitable than those now prevailing. In the meantime, Mr. Chairman, I should be glad to see the arsenal employees, who receive low wages, especially the females, continued on the bonus system until July next, when, I hope, more liberal rates of wages will have been established. It would be manifestly unfair and unreasonalbe to expect the employees to do as much work for $1.16 as they did when they were receiving $1.40 per day. The cost of living has steadily increased of late years, and wages must be increased if our present standard of living is to be maintained. [Applause.]

"RIDERS" RETAINED IN BILLS.

Gen. Crozier's telegrams and the orders of the arsenal foremen had the effect expected and a number of the employees signed petitions protesting against the adoption of the "riders." Gen. Crozier admits that the employees—most of whom were women receiving $1.16 a day—were "assisted" in preparing these petitions which were forwarded to Members of the House and Senate.

Gen. Crozier appeared before the Senate committee and joined in the protest. By a small majority the Senate struck out the "riders," but when the military and naval bills went to conference,

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the House conferees, acting on instructions from the House, insisted that they must be restored, and that was done.

Secretary of the Navy Josephus Daniels proceeded at once to enforce the mandate of Congress as expressed in the "rider" attached to the naval appropriation bill, and issued the following order:

NAVY DEPARTMENT,
Washington, April 19, 1915.

From: Secretary of the Navy.
To: Commandant and industrial managers of all navy yards and stations.
Subject: Circular letter in regard to premium and bonus systems.

Attention is called to the proviso in the naval appropriation act for the fiscal year ending June 30, 1916, reading as follows:

"*Provided*, That no part of the appropriation made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or any other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or any other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premium or bonus or cash award to any employee in addition to his regular wages, except for the suggestions resulting in improvements or economy in the operation of any Government plant."

All premium and bonus systems of doing work and all time studies or timing of employees as defined in this act will be discontinued on or before June 30, 1915.

The wording of this act, however, is construed as not prohibiting straight piecework—that is, work paid for at a certain rate, such as per hundred rivets, per hundred feet of calking, etc.—with or without a guaranteed day's wage in case of failure through no fault of the employee.

Where systems are in use based upon premiums or bonuses, these should be charged if possible to straight piecework, as defined above, provided such charge is acceptable to the employee.

JOSEPHUS DANIELS.

Gen. Crozier, on the other hand, set about nullifying the effect of the "rider" on the military appropriation bill, and with the assistance of former Secretary Garrison and other officials of the department was almost completely successful.

The following extract from the hearings before your committee will prove illuminating on this point:

Mr. KEATING. Didn't you understand that when Congress added that rider it wished the premium and bonus systems to be abolished in Government work?

Gen. CROZIER. I had no way of knowing the will of Congress except by its legislation. I can perhaps throw a little light on the latter by saying: The Member of Congress who proposed that amendment, and at whose instance it was added to the law, was aware, before it was too late to attach that same kind of a rider to the fortifications bill, that without attaching it the legislation would not apply to funds under the fortifications bill, and he did not seek to do that.

Mr. KEATING. You did not seem to experience any particular difficulty in interpreting the law when you issued the order suspending the bonus system at Frankford Arsenal.

Gen. CROZIER. The law applies to Frankford. Do you mean Watertown Arsenal?

Mr. KEATING. You issued an order at Frankford which you say you intended as a warning to the employees as to what would occur in case it went into effect?

Gen. CROZIER. Yes, sir.

Mr. KEATING. Then, after the rider was put into effect, you came forward with a scheme by which you evaded the plain intent of Congress, but you did not tell the workmen you had that in mind when you issued the first order.

Gen. CROZIER. You say I evaded the plain intent of Congress. I did not evade it in the opinion of the comptroller.

Mr. KEATING. How about Frankford Arsenal? Was that order issued under a misapprehension of what this legislation meant or intended?

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To be perfectly frank, you attempted to show these employees what you thought the effect of this legislation would be if it passed, and after the rider was adopted, you found means by which you could avoid the purpose of the legislation?

Gen. CROZIER. I found means by which I saved them from the disadvantages of the legislation.

Mr. KEATING. You did not suggest there was a way out of it when you issued the warning?

Gen. CROZIER. I did not.

Mr. KEATING. You referred to this legislation that was pending and you warned them if the legislation was passed a certain situation would be created, and you did that for the purpose of getting them to protest to Senators and Representatives?

Gen. CROZIER. I did that for the purpose of allowing them to protest if they wanted to.

Mr. KEATING. You are warning them that in case certain legislation was enacted a certain condition would be created, and instead of that you created an entirely different situation?

Gen. CROZIER. I found a way of saving them from it.

Mr. KEATING. You think it is perfectly proper, do you, for the Chief of Ordnance of the United States Army to conduct himself in that fashion?

Gen. CROZIER. I do.

Gen. Crozier's attitude is a very strong argument in favor of the passage of the bill now under consideration. He is apparently willing to defy the law, so long as no penalty attaches, but he promises to obey it if he is furnished with a sufficient incentive in the form of a fine and imprisonment.

EXTENDED HEARINGS ON BILL.

Your committee held extended hearings on the Tavenner bill and many able witnesses appeared for and against the measure.

The opponents of the bill, led by Mr. J. A. Emery, chief counsel for the National Association of Manufacturers, declared that to eliminate the "stop watch" and bonus and premium systems would "penalize efficiency and encourage waste."

The supporters of the bill insisted that the combination of "stop watch" and bonus and premium was "in spirit and essence, so far as labor is concerned, a cunningly devised speeding and sweating system."

The majority of your committee feels that the proponents of the bill made so strong a case that we are justified in urging Congress to enact the legislation needed to drive the "stop watch" and bonus and premium systems from Government shops.

EFFICIENCY WITHOUT THE STOP WATCH.

The opponents of this legislation have much to say about "efficiency" and "scientific shop management," and they seek to create the impression that "efficiency" can not be secured unless (*a*) the workman's every movement is timed by a "stop watch," and (*b*) that the old system of day's pay is abolished and bonuses and premiums substituted therefor.

Your committee feels there is nothing in the evidence submitted at the hearings, or in the experience of mankind, to sustain either of these contentions.

In this city we have the Washington Navy Yard, employing thousands of skilled mechanics. The stop watch is not used there, and the commandant will assure you he has the "most efficient body of mechanics ever gathered together inside one fence."

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The workmen at the Rock Island Arsenal have succeeded in defeating Gen. Crozier's attempt to introduce the "stop watch," and they have demonstrated their "efficiency" by producing munitions of war for very much less than the Government pays contractors for the same articles.

For instance, Gen. Crozier tells us that a 3-inch gun carriage for which contractors asked the Government $3,398.82 was produced in the Rock Island Arsenal for $2,192.27, a saving of practically one-third. And this is not an exceptional case. Gen. Crozier is the author of the following tables, showing the difference between contract and arsenal costs, and your committee urges Members of the House to carefully examine same.

Is it necessary to still further "speed up" workmen who have displayed the skill and industry needed to produce these results?

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Comparative cost of ordnance purchased under contract and manufactured at arsenals (all costs given those of completed vehicles, except where specifically noted).

[Extract from testimony of Brig. Gen. William Crozier on Dec. 12, 1913, before subcommittee of House Committee on Appropriations on the fortifications appropriations bill. See pp. 136 and 137 of hearing.]

Article.	Number ordered.	Under contract.				At arsenal.			
		Contract cost.	Inspection, 2 per cent.	Total cost.	Date of contract.	Actual cost.	Arsenal percentage, 8.4.	Total cost.	Date of order.
3-inch gun carriage	16	$3,332.18	$66.64	$3,398.82	Apr. 25, 1907				
	8	3,464.13	69.28	3,533.41	June 11, 1907				
	12					$2,316.05	$194.55	$2,510.00	May 28, 1907
	20					2,622.39	169.88	2,192.27	June 3, 1908
	28					1,988.47	167.87	2,166.34	Apr. 22, 1909
	12					2,181.32	183.23	2,364.55	July 11, 1910
	20					2,181.99	183.29	2,365.28	Mar. 27, 1911
3-inch gun caisson	24	1,713.16	34.26	1,747.42	May 6, 1907				
	16	1,709.90	34.20	1,744.10	June 12, 1907				
	[1] 72	1,906.81	38.13	1,944.94	Dec. 4, 1911				
	[1] 72	1,960.00	39.20	1,999.20	Dec. 5, 1911				
	86					981.56	82.45	1,064.01	June 12, 1907
	36					1,034.79	86.92	1,121.71	May 29, 1907
	24					1,134.21	95.27	1,229.48	June 3, 1908
3-inch gun limber	40	1,500.08	30.00	1,530.08	May 11, 1907				
	24	1,537.72	30.75	1,568.47	June 12, 1907				
	[1] 192	1,478.59	29.57	1,508.16	Dec. 4, 1912				
	82					610.75	51.30	662.05	June 12, 1907
	52					591.77	49.71	641.48	Do.
	32					635.81	53.41	689.22	June 3, 1908
3.8-inch howitzer caisson, model of 1911	[1] 36	2,114.40	42.28	2,156.68	Oct. 1, 1913				
	[1] 48					1,550.00	130.20	1,680.20	June 10, 1913
3.8-inch howitzer limber, model of 1911	[1] 48	1,446.00	28.92	1,474.92	Oct. 4, 1913				
	[1] 64					1,200.00	105.00	1,355.00	June 10, 1913
4.7-inch gun and 6-inch howitzer limber	24	1,035.30	20.71	1,056.01	Feb. 23, 1909				
	4					1,109.05	93.16	1,202.21	July 10, 1907
	12					775.16	65.11	840.27	July 7, 1908
	4					719.54	60.44	779.98	Jan. 19, 1909
	8					666.12	55.95	722.07	Mar. 18, 1909
	16					776.33	65.21	841.54	July 12, 1910
4.7-inch gun limber and caisson	40	3,425.00	68.50	3,493.50	Dec. 4, 1911				
	8					3,548.48	298.07	3,846.55	July 10, 1907
	24					2,608.12	219.08	2,827.20	July 7, 1908
	8					2,068.46	173.33	2,236.79	Mar. 18, 1909
	32					2,619.68	220.05	2,839.73	July 12, 1910

[1] Manufacture not completed. Cost given represent contract prices and arsenal estimates, respectively.

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Comparative cost of ordnance purchased under contract and manufactured at arsenals (all costs given those of completed vehicles, except where specifically noted)—Continued.

Article.	Number ordered.	Under contract.				At arsenal.			
		Contract cost.	Inspection, 2 per cent.	Total cost.	Date of contract.	Actual cost.	Arsenal percentage, 8.4.	Total cost.	Date of order.
Reel	46	$1,901.80	$38.03	$1,939.83	June 13, 1910				
	26					$1,181.26	$99.23	$1,280.49	July 29, 1910
Cart	37	1,251.80	25.03	1,276.83	June 13, 1910				
	36					595.58	50.03	645.61	Jan. 18, 1909
4.7-inch howitzer carriage limber, model of 1908	16	2,187.55	43.75	2,231.30	June 9, 1909				
	[1] 28	1,414.80	28.29	1,443.09	Nov. 11, 1912				
	8					926.62	77.84	1,004.46	May 8, 1909
	[1] 16					926.62	77.84	1,004.46	Oct. 1, 1912
	[1] 12					926.62	77.84	1,004.46	June 10, 1913
4.7-inch howitzer carriage, model of 1908	[2] 16	5,117.48	102.35	5,219.83	Apr. 23, 1909				
	[1] 28	9,229.37	184.59	9,413.96	Nov. 7, 1912				
	[3] 8					10,843.45	910.85	11,754.30	Mar. 18, 1909
4.7-inch howitzer caisson and limber, model of 1909	48	4,010.18	80.20	4,090.08	June 9, 1909				
	[1] 84	3,356.32	67.13	3,423.45	Nov. 11, 1912				
	24					2,773.70	232.99	3,006.69	May 8, 1909
4.7-inch howitzer caisson, model of 1912	[1] 48					2,733.70	229.63	2,963.33	Oct. 1, 1912
	[1] 36	1,886.00	37.76	1,923.76	Oct. 14, 1913				
4.7-inch howitzer limber, model of 1912	0					1,605.76	134.88	1,740.64	([4])
	[1] 36	1,498.00	29.96	1,527.96	Oct. 7, 1913				
6-inch howitzer carriage	0					1,127.94	94.75	1,221.69	([4])
	[2] 24	6,937.81	138.75	7,076.56	Feb. 23, 1909				
	[3] 4					15,671.97	1,316.45	16,988.42	Jan. 19, 1909
6-inch howitzer caisson	[3] 4					14,147.66	1,188.40	15,336.06	Mar. 18, 1909
	48	1,583.03	31.66	1,614.69	May 21, 1909				
	[1] 32	1,670.00	33.40	1,703.40	Dec. 4, 1911				
6-inch howitzer limber	16					2,182.12	183.30	2,365.42	Apr. 19, 1909
	48	1,427.70	28.55	1,456.25	May 21, 1909				
	[1] 32	1,490.00	29.80	1,519.80	Dec. 4, 1911				
	16					2,038.88	171.27	2,210.15	Apr. 19, 1909

[1] Manufacture not completed. Cost given represents contract prices and arsenal estimates, respectively.
[2] The prices at which material was obtained under contract are exceptionally low, due to an underestimate on the part of the contractor.
[3] The cost of this material is high on account of the fact that it is a new type of material and the cost of tools, development, and experimentation were charged to these orders.
[4] None ordered; estimated cost.

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Manufacture of artillery ammunition.—Statement of total arsenal costs and total contract costs for ammunition being manufactured at the Frankford Arsenal and provided for in orders issued between July 1, 1912, and Apr. 25, 1913, and which will be completed by June 30, 1914.

[Extract from testimony of Brig. Gen. William Crozier on Dec. 15, 1913, before subcommittee of House Committee on Appropriations on the fortifications appropriation bill. See p. 149 of hearings.]

Articles.	Quantities under manufacture.	Total arsenal costs per unit.	Aggregate total arsenal cost.	Contract price per unit.	Contract cost per unit.	Total contract cost.	Saving over contract cost.
·inch finished shrapnel cases...	10,000	$1.75	$17,500.00	$3.06	$3.15	$31,500.00	$14,000.00
.8-inch finished shrapnel cases .	1,000	4.68	4,680.00	6.65	6.85	6,850.00	2,170.00
·inch finished shrapnel cases...	4,035	17.10	68,998.50	16.00	16.48	66,496.80	2,501.70
·inch common shrapnel, without fuses or base charges.....	48,000	3.55	170,400.00	5.79	5.96	286,080.00	115,680.00
.8-inch common shrapnel without fuses or base charges.....	4,500	7.94	35,730.00	17.50	18.03	81,135.00	45,405.00
.7-inch common shrapnel without fuses or base charges.....	14,500	15.45	224,025.00	25.26	26.02	377,290.00	153,265.00
·inch common shrapnel without fuses or base charges.....	5,000	30.20	151,000.00	37.00	38.11	190,550.00	39,550.00
1-second combination fuses....	48,000	2.16	103,680.00	4.30	4.43	212,640.00	108,960.00
1-second combination fuses....	26,500	2.92	77,380.00	[1] 7.00	7.21	191,065.00	113,685.00
·inch high-explosive shrapnel, fixed.....	45,000	10.15	456,750.00	.....	[2] 13.17	592,650.00	135,900.00
'use stocks.....	74,500	1.66	123,670.00	2.40	2.47	184,015.00	60,345.00
:ear plugs for fuses.....	74,500	.18	13,410.00	.23	.2369	17,649.05	4,239.05
'ront plugs for fuses.....	74,500	.09	6,705.00	.17	.1751	13,044.95	6,339.95

[1] This was the lowest and only bid received, but no contract was made.
[2] The shrapnel projectiles only were ordered abroad, and the contract cost includes the cost of assembling the projectile to the cartridge case and charge and of the necessary rounds for firing test based on a revious order.

'rand total contract cost.....	$2,250,965.80
'rand total arsenal cost.....	1,453,928.50
Saving.....	797,037.30

'urchase of artillery ammunition—Statement of total contract costs and of total arsenal costs for ammunition being purchased from outside manufacturers covered by orders given between July 1, 1912, and Apr. 25, 1913, and which will be delivered before June 30, 1914.

[Extract from testimony of Brig. Gen. William Crozier on Dec. 15, 1913, before subcommittee of House Committee on Appropriations on the fortifications appropriation bill. See p. 150 of hearings.]

Articles.	Quantities ordered.	Contract price per unit.	Contract cost per unit.	Total contract cost.	Total arsenal cost per unit.	Total arsenal cost.	Contract cost over arsenal cost.
.95-inch shrapnel case forgings.....	4,109	$3.06	$3.15	$12,943.35	$1.75	$7,190.75	$5,752.00
·inch shrapnel case forgings.....	.....	.....	.....	.....	.....	.....	.....
.8-inch finished shrapnel cases.....	25,523	3.06	3.15	80,397.45	1.75	44,665.25	35,732.20
.7-inch finished shrapnel cases.....	7,055	6.65	6.85	48,326.75	4.68	33,017.40	15,309.35
·inch finished shrapnel cases.....	9,615	9.37	9.65	92,784.75	8.80	84,612.00	8,172.75
.8-inch common shrapnel without fuses or base charges.....	5,760	16.00	16.48	94,294.80	17.10	98,496.00	4,201.20
.7-inch common shrapnel without fuses or base charges.....	2,500	17.50	18.03	45,075.00	7.94	19,850.00	25,225.00
·inch common shrapnel without fuses or base charges.....	7,000	25.26	26.02	182,140.00	15.45	108,150.00	73,990.00
·inch common steel shell.....	1,500	37.00	38.11	57,165.00	30.20	45,300.00	11,865.00
.8-inch common steel shell.....	3,000	4.87	5.02	15,060.00	2.39	7,170.00	7,890.00
.7-inch common steel shell.....	9,066	9.17	9.45	85,673.70	4.81	43,607.46	42,066.24
·inch common steel shell.....	10,605	12.46	12.83	136,062.15	8.30	88,021.50	48,040.65
·inch fixed high-explosive shrapnel.	7,077	17.93	18.47	130,712.00	16.75	118,539.75	12,172.25
	10,000	13.17	13.17	131,700.00	10.15	101,500.00	30,200.00

'rand total contract cost.....	$1,112,334.95
'rand total arsenal cost.....	800,120.11
Loss.....	312,214.84

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"STOP WATCH" REJECTED BY PRIVATE ENTERPRISE.

Turning from the Government shops to the plants of private industry we find that the "stop watch" has not been received with favor.

Mr. Richard A. Feiss, of Cleveland, Ohio, a manufacturer of men's clothing, was presented by the opponents of this legislation as one of their principal witnesses. He defended the use of the "stop watch" and was emphatic in his declaration that "efficiency" could not be secured without it, but he was forced to confess that his concern was the only house in that section of the clothing business which had installed the system. The following extract from Mr. Feiss's testimony will shed light on this point:

The ACTING CHAIRMAN. Do you know of any other concern in your business that is using the system?

Mr. FEISS. No, sir; our business, the clothing business, as a whole, is very backward.

The ACTING CHAIRMAN. As a consequence there is no other concern that you know of that we could make comparisons with as to the results in your shops and others?

Mr. FEISS. No; no other industry.

The ACTING CHAIRMAN. These other business men who are competing with you have had an opportunity to adopt this system?

Mr. FEISS. Yes.

The ACTING CHAIRMAN. They have been confronted with your splendid and highly successful example for some time?

Mr. FEISS. Yes; our shops are always open to anyone.

The ACTING CHAIRMAN. They have not seen fit to adopt your ideas?

Mr. FEISS. They are adopting some of the ideas. The trouble with most of the men at the top is that they are not practical men.

The ACTING CHAIRMAN. They think they are practical men.

Mr. FEISS. I think they will admit that they are not.

The ACTING CHAIRMAN. But, anyhow, whatever may be your opinion of your competitors, there are many concerns that have not adopted it, although they have had this example before them?

Mr. FEISS. Yes.

The boot and shoe industry furnishes another example. Not 15 per cent of the boot and shoe factories in this country use the "stop watch," and the 85 per cent which have refused to use it experience no difficulty, so far as the records show, in competing with their so-called "scientific" rivals.

What has been said of the clothing and boot and shoe industries applies with equal truth to other lines of industrial endeavor.

The workers of this country are not a lot of lazy drones who refuse to do a reasonable day's work unless their every movement is timed by a "stop watch."

WORKERS CONDEMN "STOP WATCH."

The workers' attitude toward the "stop watch" is stated in the following excerpt from the testimony of Mr. John P. Frey, editor of the International Molders' Journal, before your committee:

Mr. SMITH. What objection has the workman to time study?

Mr. FREY. Some have the feeling that it is humiliating to have a man standing over your back, or around you, with a stop watch, checking off every movement you make, trying to catch you beating some little time. Others object because it forces them to work harder and harder, and it puts into the employer's hands a power which they use unjustly against them.

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Mr. SMITH. You think the general objection is that it overworks the men?

Mr. FREY. I should say from what the workers told me, that I interviewed, it was half and half. It was partly the feeling of humiliation in having someone stand over them with a stop watch, and others felt that the system meant making their work that much harder.

Mr. SMITH. What is the feeling of the workmen about the Taylor system?

Mr. FREY. I have not encountered one who favored it. All that I have interviewed are bitterly opposed to it.

Mr. SMITH. Are the workmen generally opposed to a bonus system?

Mr. FREY. Some of the workers—I want to revise that statement as to the Taylor system. I found some workers working under the Taylor system who said they did not consider it hurt them much.

Mr. SMITH. But, generally speaking, you think you are safe in saying they are opposed to it?

WHERE "STOP WATCH" IS UNRELIABLE.

The advocates of the use of the "stop watch" emphasize the "scientific accuracy" of the system, but the evidence submitted to your committee shows that the "time studies" made in Government plants are grotesquely inaccurate and unreliable.

The Federal Industrial Relations Committee, at the request of the Secretary of War, appointed three experts to investigate the "efficiency system" installed by Gen. Crozier at the Watertown Arsenal. One of these investigators, Mr. John P. Frey, testified before your committee. His colleagues were Prof. R. F. Hoxie, of the University of Chicago, and Mr. Robert G. Valentine, a prominent "efficiency" engineer.

Mr. Frey's written statement of the results of the "stop-watch" studies made at the Watertown Arsenal follows:

An interesting and most valuable analysis of variations of output by the same workmen under "scientific management" has been made by Mr. Miner Chipman, and we give the following figures from the study which he made of the conditions existing at the Watertown Arsenal after the system had been introduced.

The analysis of the men's output or so-called efficiency covered a period of one month, which makes it well representative of the unevenness with which the tasks had been set.

For the month of March, 1914, employee No. 2518 worked on 224 jobs. His average efficiency was 121.35 per cent, but his efficiency on these jobs varied from 21 to 200 per cent.

In September, 1913, employee No. 2681 worked on 91 jobs. His average efficiency was 96 per cent, but his efficiency on the several jobs varied from 39.3 to 149 per cent.

Employee No. 2518 worked on 140 jobs during April, 1914. He was a most competent workman, as his average efficiency for the month was 121 per cent. His efficiency on the several jobs ranged from 45 to 172.9 per cent, these variations indicating largely the too short or too long time which had been set on the jobs by the time-study and task-setting man.

Commenting on these figures Mr. Chipman said in his report:

"Mr. Taylor, in his 'Shop management,' emphasizes 'that this system rests upon an accurate and scientific study of unit times,' which is by far the most important element in 'scientific management.' He also says that time studies made by this method determine with scientific accuracy 'the quickest time that can be made by a first-class man' and to the effect that this 'quickest time' or 'standard times' is so set that it can not be bettered.

"What can be thought of the times set on these jobs, when this workman on the 224 jobs of one month showed a range of efficiency (efficiency being the ratio of time taken to time allowed) from 21 to 200 per cent, with an average of 121 per cent and the following month on 140 jobs a range of from 45 to 173 per cent, also with an average of 121 per cent?

"This workman may be rated as consistently of high efficiency. Why, then, this extreme variation in efficiency unless the time allowed for each job was not set accurately and scientifically? Can we assume that the worker varied in efficiency to the

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extent shown by the chart? We do not believe so. The variation is one of time setting or inaccuracy of time study.

"Of the 244 jobs in the first month the time on 13 jobs was correct, efficiency 100 per cent; on the remaining 211 jobs the time varied 2,755 minutes, or 22.2 per cent from a total standard time of 12,935 minutes.

"A study of the various jobs indicates that the variations in efficiency are due in part to the time-study man and in part to changes in conditions affecting work."

On two jobs in the foundry examined by the writer a difference of 2 hours and 30 minutes had been set, though at the outmost there could not have been more than 10 minutes' difference in the time to make the molds, as the patterns were almost identical and were made in the same flask, the only apparent difference being that a longer hub on one of the patterns required about 2 inches more sand in the drag.

An interesting case, through which the worker was forced to suffer because of the error made in setting the time for the task, occurred in one of the machine shops visited.

A machinist was given eight crossheads to finish, 44 minutes being allowed for the finishing of each crosshead. As this machinist took considerably more time he was punished for his failure to accomplish the task by being laid off for 30 days.

During this period a more careful investigation was made of the job, and it was afterwards given to another machinist, who received a rate of 3 cents less per hour. The time allowed for the finishing of the task was increased 120 per cent, and, although the machinist working on the job had a rate 3 cents less per hour than the other, it increased the cost of production 78 per cent. The machinist who was disciplined, however, was not allowed anything for the unjust punishment which had been meted out.

It would be possible to go on almost indefinitely in submitting evidence to prove that the time set on jobs by time-study men and task setters in shops where "scientific management" has been applied has been anything but scientifically accurate. While in theory it should have been, what the workers are directly interested in is what occurs when application of a theory is turned over to employers and placed in practice. It is the practice and not the theory which most vitally affects the workers.

INEFFICIENT TIME-STUDY MEN.

The qualifications, or rather lack of qualifications, of men employed to handle the "stop watch" are described by Mr. Frey as follows:

Instead of making my statement on this subject I would prefer to read an excerpt from the Hoxie report on time study and then I will pass to one of the other features. I will say that this is the statement by Mr. Hoxie, indorsed by Mr. Valentine and myself [reading]:

"It is the work of the time-study men which chiefly determines whether efficiency shall be combined with just and humane treatment of the workers, regardful of their present and future welfare.

"This being true, says the Hoxie report, the time-study man is, from the standpoint of labor, the central figure in 'scientific management'—its vital organ and force. To perform his function properly, to make 'scientific management' tolerable to labor, he must be a man exceptional in technical and industrial training, a man with a broad and sympathetic understanding of the workers as well as of the economic and social forces which condition their welfare, a man of unimpeachable judgment, governed by scientific rather than pecuniary considerations, and, withal, he must occupy a high and authoritative position in the management. For if he is to set tasks that will not cause nervous and physical exhaustion, he must not only have an intimate personal knowledge of the work to be done, the special difficulties it involves, the qualities required to do it well, the demand which it makes on strength, skill, ingenuity, and nervous force, but he must also be able to recognize and measure nervous disturbance and fatigue and understand and deal wisely with temperament. If he is to set tasks that will always be fair and liberal, he must understand and know how to discount all the effects of current variations in machinery, tools, and materials, in human energy and attention. If he is to safeguard the lives and health of the workers and their general economic and social welfare he must be an expert in matters of sanitation and safety, and have a broad and deep understanding of economic and social problems and forces, and, finally, if he is to make all this knowledge count, he must be able to establish the standards warranted by his study and judicial weighing of men and facts, and to protect these standards against infringement and displacement. All this and more, if the claims of 'scientific management' relative to labor are to be generally fulfilled.

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"But as things actually are, this emphatically is not the type of man who is habitually engaged in time-study work, and who is being drawn into it, nor does the time-study man of the present occupy this exalted position in the hierarchy of 'scientific management.' The best men in this work are perhaps technically qualified, but so far as the observation of your investigator has gone, the best of them are technicians with little knowledge of the subject of fatigue, little understanding of psychology and temperament, little understanding of the viewpoint and problems of the workers, and almost altogether lacking in knowledge of and interest in the broader economic and social aspects of working-class welfare. The bulk of the time-study men encountered were immature men drawn from the shop or from college. They were expected to get their knowledge and training in all the matters enumerated above through the actual work of the time study and task setting. In the majority of cases encountered it was not considered essential that they should have had any special training in the particular industry. A man who had worked exclusively in the machine shop was considered competent, after a few weeks or months of contact and trial experience, to set tasks in a cotton mill. Sometimes previous industrial experience of any kind was not considered necessary. Analytical ability, good powers of observation, a sense of justice and tact were the chief qualities emphasized as essential for a good time-study man."

We inquired at every plant we visited what were the essential qualities of a good time-study man, and we summed up the results given to us by the efficiency experts and the owners of the plants as follows:

"Rarely, if ever, was anything said of technical knowledge concerning fatigue, psychology, sanitation, safety, and in broader problems of industrial and social welfare. Indeed, time study and task setting were almost universally looked upon as primarily mechanical tasks in which the ability to analyze jobs and manipulate figures rather than broad knowledge and sound judgment were regarded as the essential factors. Naturally, therefore, the time-study men were found to be prevailingly of the narrow-minded mechanical type, poorly paid."

SENATOR LODGE ON THE "STOP WATCH."

Senator Henry Cabot Lodge presented the case against the "stop watch" in graphic fashion during a discussion of the subject in the Senate during the third session of the Sixty-third Congress. Senator Lodge said:

The one object of the time measure is to produce speed. Now speed is not the only thing that the Government or any other employer or manufacturer is seeking for. There is something more important than speed, and that is quality. Speed has nothing to do with quality. Owing to great inventions of our time, owing to steam and electricity, we have carried speed to such an extent in all of our manufactures that certainly in many cases the product has deteriorated in quality as it has advanced in quantity and rapidity of production.

The stop watch and the time measure can tell you nothing whatever about quality. It may be a basis of fixing wages or anything else, but the only thing we can possibly tell by time is speed. We all associate a stop watch with its use for racing horses. I dare say it is used now for racing automobiles, but not by a man buying horses for his ordinary use. In the days before automobiles I used to own horses and be very fond of them and drove them a great deal, but I never put a stop watch on a horse I was going to buy. I wanted to know his qualities; I wanted to try him; but I was not going to buy a horse to use on the track, and therefore I had no use for the stop watch. They use a stop watch to test a horse that is going on the track to race in the Derby, for instance, or in any of our great races. It is of the utmost importance to know what the horse can do on the furlong or on the quarter mile or on the half mile, but it does not tell the story of his quality. It will tell the story of speed and the qualities necessary to speed, but there are many qualities it does not tell.

Now, to put the stop watch on human beings may tell how fast they can work, but it can tell nothing of the quality of their work. Nor how long they may work. A horse may be very good for a short spurt and absolutely worthless for a 4-mile race. It is a poor test. It is a promoter of the idea that the one thing to do is to turn out just as much as we can just as far as we can. That has gone through everything in this period of ours. It has deteriorated style, it has deteriorated literature, it has deteriorated art. It is deteriorating manufacture.

I do not believe, Mr. Chairman, in standing over men with stop watches to see how far they can go under pressure in securing speed in performing a given piece of

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work. The very fact of a stop watch implies strain on every faculty, on every physical power, driving the heart and lungs and every muscle to the utmost possible point.

In the days of slavery it was said there was one school of slave owners who believed it was more profitable to work the slaves to the last possible point and let them die than to try and care for them when they were ill and work them reasonable hours and treat them without a stop watch. Those who believed in working them to death, I imagine, were a very small and merciless minority, but there is always that disposition.

I am a thorough believer in the best man getting the best wage and the hard-working man getting what his hard work deserves. I have no desire to see the thriftless and idle paid as well as the industrious, steady, and hard-working men, but I do not believe anything is gained for the Government or for anybody else in standing over a man with a stop watch to see whether under pressure he can do a certain piece of work in a given time. I do not believe it is sound economy.

PREMIUM AND BONUS SYSTEMS.

The premium and bonus systems of payment of employees are designed to supplement the "stop watch" in stimulating the workers to the extreme limit of their physical and mental endurance. When the human machine can no longer stand the strain a new one is to be substituted and the old one sent to the industrial scrap heap.

The opponents of the legislation under discussion deny the truth of this statement, but there is a mountain of evidence to sustain the charge.

Here is the testimony of F. W. Taylor, father of the so-called "scientific management":

When the writer left the steel works, the Bethlehem pieceworkers were the finest body of picked laborers that he had ever seen together. They were practically all first-class men, because in each case the task which they were called upon to perform was such that only a first-class man could do it. The tasks were all purposely made so severe that not more than one out of five laborers (perhaps even a smaller percentage than this) could keep up.

Where the labor market is large enough to secure in a reasonable time enough strictly first-class men, the piecework rates should be fixed on such a basis that only a first-class man working at his best can earn the average amount called for. This figure should be, in the case of first-class men, as stated above, from 30 to 100 per cent beyond the wages usually paid. The task idea is emphasized with this style of piecework by two things—the high wages and the laying off, after a reasonable trial, of incompetent men; and for the success of the system the number of men employed on practically the same class of work should be large enough for the workmen quite often to have the object lesson of seeing men laid off for failing to earn high wages and others substituted in their places.

TESTIMONY OF PUBLIC HEALTH SERVICE.

The United States Public Health Service has just issued bulletin No. 73, "Tuberculosis Among Industrial Workers," by Surg. D. E. Robinson and Asst. Surg. J. G. Wilson.

Those gentlemen are surely impartial and competent witnesses, and here is what they have to say:

SPEEDING UP.

This is a natural resultant of the piecework system, and from the standpoint of the employees' health, does more harm than any other one thing associated with factory work. Although it works, or appears to work, to the interest of the employer by increasing the output of the individual workers, these good results are probably only temporary, as the pernicious effect upon the health of the wage earner will, in the end, have the opposite effect.

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And again on page 16 of the bulletin, speaking particularly of the boot and shoe industry:

One of the most noticeable things about the work in these factories is the high tension at which everyone seems to be working, as the work is nearly all instances in piecework and earnings naturally depend on the output. This high-pressure work or speeding, in our opinion, is one of the most important causes of the lowered physical vitality noticed among these workers, as the constant strain of work at top speed, week after week, must tell in the end. The human body is only a machine, too often a delicate one, capable of standing only so much abuse. With this high-pressure work for eight or nine hours a day, with but a half hour's breathing spell for lunch, coupled with the effects of dissipation and loss of sleep, we have a combination that only the strong can resist, the weak succumbing to any infection with which they come into contact. Moreover, the nervous organization suffers in this speeding process and neurasthenic individuals were frequently observed among both male and female shop workers.

TYPICAL CASE OF "SPEEDING UP."

The Federal Commission on Industrial Relations, through Prof. Hoxie and his colleagues, devoted a year to the study of "scientific" management, including over-stimulation or "speeding up." Here is a typical case taken from the testimony of Mr. Frey, one of Prof. Hoxie's assistants:

One instance showing the extent to which "efficiency experts" can develop methods of speeding the workers up to their physical and nervous limit made a permanent impression upon the investigators.

The plant employed the usual forms of time and motion study for the determination of what the task should be, and the workers were paid a bonus if they accomplished the task. For example, if the time set upon a task was one hour, the worker, if he finished the job in an hour, was credited with an hour and a quarter's pay, based upon his hourly wage rate; so that if this was 20 cents he would receive 25 cents for the hour's work.

This bonus was not considered sufficient to properly assist and stimulate the workers, so the foreman was also paid a bonus, this being based upon the number of workers under his charge who earned their full bonus. For the foreman's efficiency to reach 100 per cent it would be necessary for every worker in his gang to earn their bonus every hour of the working day. It was, therefore, to the foreman's interest to do all that lay in his power to see that every worker accomplished the task which had been set.

However, this was but a part of the scheme or system which aimed to get all of the work possible out of the workers, for another factor entered largely into the plan. The time-study man and task setter was also paid a bonus which was based upon the number of workers who failed to make their tasks, the task setter's efficiency reaching 100 per cent only when every worker in a group failed to finish their jobs in the time set for the accomplishment of their tasks. The time-study man was, therefore, paid a bonus to set the tasks so high that the workers could rarely, if ever, accomplish them, while the foreman was paid a bonus based upon the number of workers who could be prevailed upon to finish their jobs within the time set.

Under this system there were no rest periods or other provisions which would prevent the workers from being speeded up to their limit, but instead it became a contest between the time-study man and the foreman, the one depending for his extra wages upon setting the time so short for the finishing of the task that the workers could not make it, and the other only receiving his bonus when he succeeded in having the workers accomplish these tasks. It was a clear case of playing both ends against the middle, the middle in this case being the unfortunate worker.

In theory "scientific management" would protect the worker from overexertion; in such an instance as the one just referred to the practical application of the system deliberately and with human ingeniousness aimed to secure the worker's last ounce of energy.

Many other cases could be cited, some so revolting as to be almost unprintable.

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LABOR'S EARNEST OPPOSITION.

Labor, organized and unorganized, has systematically opposed the introduction of the system into Government plants. Gen. Crozier asserts that outside influences are responsible for the workers' hostile attitude, but the evidence submitted to your committee seems to completely disprove the general's theory.

The leaders of organized labor instead of fomenting trouble in the Government shops have with difficulty restrained the workers from throwing down their tools and quitting work. At the Watertown Arsenal the employees united to employ Miner Chipman, an engineer, to assist them in an attempt to induce the War Department to dispense with the obnoxious system.

Two hundred and thirty-five of the workers furnished Mr. Chipman with detailed information to enable him to complete his case. Of these, 214 were opposed to the system. Of the protestants, 113, or 52.8 per cent, were nonunion, and 101, or 47.2 per cent, were union.

All these men were asked to answer the following question: "Do you think the agitation is brought about through union labor or similar sources?"

They replied as follows: "Noes" 137, "yeas" 28, not answering. 70.

ATTEMPT TO ENFORCE "RIDER."

Mr. N. P. Alifas, president of District No. 44, International Association of Machinists, submitted to your committee the correspondence he had with Secretary of War Garrison with a view to securing the enforcement of the legislation embodied in the "rider" on the military appropriation bill for 1916. We attach a part of Mr. Alifas's testimony and the correspondence:

Mr. ALIFAS. Now, along about October, 1915, I was having some correspondence with the Secretary of War to see what could be done toward getting the restrictive clause in the Army bill applied to the Watertown Arsenal. I urged that the War Department should observe the spirit of the legislation, regardless of whether it applied to all the appropriations that were available for their use or not. On account of this matter pending before the War Department, I urged the employees not to strike, at least until we had an opportunity to see what the Secretary of War would do about it, and they held this matter off. It was not until the 1st of January that I was unable to get them to hold off any longer. On that date they took a strike vote. The strike vote resulted in a large majority favoring a strike, but not a sufficient proportion of the men favored this plan to warrant a strike being called. That was due to the fact that some of the men thought it was better to wait and see what the War Department was going to do about this thing; and some of them thought this matter could be straightened out in some other way besides striking; so the strike was not actually called.

Mr. KEATING. You mean on January 1 of this year?

Mr. ALIFAS. On January 1 of this year, 1916. All this trouble was brewing at the time the Chief of Ordnance claimed there were perfectly harmonious relations existing between the management and the employees at the Watertown Arsenal. One of the reasons that may have deterred some of the men from voting for a strike was that for their protection I had been obliged to supply them with information as to restrictions of law against striking in the Government service. I had secured from the Secretary of Labor the provisions of law on strikes in Government shops, and I presented all that information to them in order that the employees should not be charged with violations of the law. There was no prohibition in law, in my judgment, against striking in the Government arsenals, but I wanted to have them be on the safe side, so I sent them that information. That may have had a bearing, however, on their decision not to strike at that time.

Mr. VAN DYKE. They were not classified civil-service employees?

Mr. ALIFAS. Yes; they are.

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Mr. NOLAN. Mr. Alifas, right there, is it not a fact that all men in the Government service, mechanics in the Government service, as well as the organization that they belong to in the Government service, hesitate a long time before striking in Government shops, whereas in private employment they would not hesitate nearly as long as they do in the Government shops?

Mr. ALIFAS. That is very true, Mr. Nolan. If that had been a private shop, I imagine we would have had a strike five years ago, and it would have come to a showdown whether they were going to have scientific management or not; but all American people feel that the Government is going to be just eventually, if they can only wait long enough to get the Government to take action, and merely because some of the officials of the Government are unyielding is not an indication that the entire Government is going to be unyielding. The employees have waited for a long time to get either the department or Congress to take action on this matter, and they are still waiting.

I would like to submit for the record here the correspondence I have had with the Secretary of War on this subject, which is now completed, the Secretary having recently resigned, much to our regret, since he was fair in most matters.

Mr. KEATING. Without objection, it may be inserted in the record.

(The correspondence referred to is as follows:)

MAY 4, 1915.

Hon. LINDLEY M. GARRISON,
Secretary of War, Washington, D. C.

DEAR SIR: According to press reports which appeared shortly after the close of the Sixty-third Congress, Brig. Gen. William Crozier, Chief of Ordnance, is credited with saying, in effect, that it is his intention to continue the premium system at the Watertown Arsenal, because the clause in the Army appropriation bill prohibiting time study and premium payments does not prevent him from using the funds in the fortification appropriation bill for that purpose.

Subsequent to the appearing of these press reports, I had an interview with the Chief of Ordnance and urged that the evident intent of Congress in passing this legislation be given its due weight and that the objectionable features of the Taylor system be eliminated.

I learned that the Chief of Ordnance intended to continue as much of the Taylor system at the Watertown Arsenal as a literal interpretation of the clause in the Army bill would permit. In his opinion it seems that the department is permitted to continue the premium system. The reasoning of the Chief of Ordnance appears to be about as follows: The restrictive clause in the Army bill applies only to appropriations contained in that bill and does not affect any money that is provided in other supply bills, consequently, since most of the money spent at the Watertown Arsenal is provided through the fortification appropriation bill, the premium system can be continued from such funds, because the fortification bill does not contain the clause prohibiting time study and premiums. However, the time study will be discontinued, due to the fact that the Army bill provides the funds for the payment of the officers' salaries and a time study could not be made without the sanction of officers of the department.

We believe, however, that some attention should be paid to the spirit of this legislation, and to the evident intent of Congress, and the effect that the restrictive clause in the Army bill was expected to have; and we most earnestly appeal to you from the decision of the Chief of Ordnance and urge that the time study and premium system be discontinued by the Ordnance Department in all of its arsenals not later than July 1, 1915.

The debate in the Senate on February 22 and 23, 1915, indicated that both proponents and opponents of this anti-Taylor system clause were under the impression that if the clause passed it would prohibit these practices in the Government arsenals for at least one year. This impression was encouraged by the action of the Chief of Ordnance in discontinuing time study and the premium system at the Frankford and Watertown Arsenals immediately upon the passage of the Army bill by the House and also by the language in communications forwarded to Members of the Senate by the Chief of Ordnance and the Secretary of War, as the following will show. On January 25, 1915, the following notice was posted on the bulletin boards at the Watertown Arsenal:

"Memorandum: In compliance with instructions from the Chief of Ordnance, all time study will cease; also all premium payments except such as have accrued at the time of this notification.

"C. B. WHEELER,
"*Colonel, Ordnance Department, Commanding.*"

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This notice was inserted in the Congressional Record by Senator Weeks, of Massachusetts, on February 23, 1915, during his remarks on the clause in the Army bill.

In addition to the remarks made by Senator Chamberlain, chairman of the Committee on Military Affairs of the Senate, relative to the clause prohibiting time study and the premium system, he inserted several letters and documents submitted to his committee by the War Department on the subject. The following letter under date of January 30, 1915, addressed to the Secretary of War by the Chief of Ordnance, leaves the impression that the passing of the proposed clause would prohibit time study and the premium system at the arsenals. Please note the parts in italic:

"ORDNANCE OFFICE, *January 30, 1915.*

"To the SECRETARY OF WAR:

"1. The legislation referred to in this petition is contained in a proviso of the Army bill (H. R. 20347), which passed the House of Representatives on January 22 and is now pending in the Senate. The language referring to the class of payments which have been suspended at the Frankford Arsenal is the following:

"'* * * Nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant: and no claim for services performed by any person while violating this proviso shall be allowed.'

"2. As the legislation is claimed by its proponents in the House of Representatives to be in the interest of the workmen who would be affected by it, I have considered it but just to *all such workmen* that they should have warning as to the effect of the measure in case it should be enacted into law. *I have therefore given the same effect to the prohibition that it would have if it became law by directing that all premium payments, except such as have already accrued, shall cease at the arsenal.*

"WILLIAM CROZIER,
"*Brigadier General, Chief of Ordnance, United States Army.*"

The language contained in the last two sentences, when compared to the notice posted at the Watertown Arsenal, shows a striking similarity and indicated that the Chief of Ordnance wanted to impress the Senate with the idea that if the restrictive clause was passed the full force of its provisions would apply to the Watertown Arsenal.

Two other letters submitted by Senator Chamberlain indicate that the War Department wished the impression to prevail in the Senate that if this anti-Taylor system legislation were passed it would prohibit time study and the premium system at the Watertown Arsenal. The letters are as follows:

"WAR DEPARTMENT,
"*Washington, January 30, 1915.*

"The PRESIDENT OF THE SENATE.

"SIR: In the Army appropriation bill (H. R. 20347), which passed the House of Representatives on the 22d instant, there occurs the following legislation, added as an amendment upon the floor of the House:

"'*Provided*, That no part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services performed by any person while violating this proviso shall be allowed.'

"The purpose and effect of this amendment is to prevent scientific management in the branch of the business of the Government which is affected by it. Surely this is a subject matter of great importance and should be dealt with directly and only decided after careful investigation and deliberation. It was not relevant to any matter contained in the Army bill, was not brought up in the hearings before the committee in the House so that both sides might receive full opportunity to present facts and reasons, and did not and could not receive full consideration under the circumstances, and when the amendment as adopted was presented to the bill on the floor of the House. Under the circumstances I feel that it is my duty to call the attention of the Senate to the situation, so that they shall not vote thereon in ignorance of the importance of the subject matter.

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"This question has been agitated for some time past, and when brought to my attention I requested the Commission on Industrial Relations to carefully investigate this whole subject matter with a view to reaching a proper conclusion thereon. This matter is one peculiarly within the scope of the jurisdiction of that commission. Just what they have done as yet in the matter I do not know, but I feel very strongly that the reasonable course to pursue would be to await their action and determination. If for any reason the Senate does not feel inclined to accept this suggestion, I most earnestly request that a hearing be accorded upon this subject matter, so that all the facts and reasons which should be known to the Senate may be developed before the Senate finally concludes the matter.

"*With a view of acquainting the Senate somewhat more with the details of the situation, I have caused the Chief of Ordnance to prepare a statement, which accompanies this.*

"Very respectfully,

"LINDLEY M. GARRISON,
"*Secretary of War.*"

"Memorandum for the Secretary of War.

"WAR DEPARTMENT,
"OFFICE OF THE CHIEF OF ORDNANCE,
"*Washington, January 29, 1915.*

"Subject: Legislation in bill H. R. 29347 against time study and premium payments at Government establishments.

"1. The prohibition of this legislation relates to two features of the system of scientific management which has been in practice at the Watertown Arsenal, Mass., for something over five years. The first feature which is prohibited, time study, is a method of determining by careful study the best manner and sequence in which a given piece of work shall be done, the most advantageous way in which its expeditious performance can be accomplished, and the time in which it can reasonably be expected to be done. Based upon the results of time study, an instruction card is issued to any workman who may be engaged upon the work studied, and he is told that if he follows the instructions carefully and industriously he can probably do the work in the time which has been arrived at, and in that case he will be given a premium over and above his regular wages amounting to one-third of these wages, or a less premium for measurably approaching this time; his regular wages not being subject to reduction in any case, being fixed at a prevailing rate of the vicinity for work of like character. This payment is the second feature which is prohibited by the legislation in the bill. No watch is held over a workman otherwise than during the time study mentioned, and no workman is subjected to any timing process for the purpose of ascertaining whether he is working industriously. Time studies are made only occasionally, and as information accumulates which is available for use in arriving at the time in which work can reasonably be done, its employment is of diminishing frequency. All allowances are made so as to insure that work shall not be expected at a rate which is irksome, or even disagreeable to the workman.

"2. There are other important features of the system of management which relates to systematization, orderly procedure, and efficient arrangement, not having relation to the care and attention which is expected from a workman or to any stimulus to industry upon his part; but the features now proposed to be prohibited are the only ones by which the workman is let in to a share in the economy which results from better management accompanying the system.

"3. A monthly report is made from the Watertown Arsenal of the amount of work which has been done upon the premium system and the premiums which are earned thereon. The latest report which has been received, which is for the month of November last, shows that 33 per cent of all the work done at the arsenal in that month was in accordance with this system, and that the total amount of premium was $2,519.69. The shop in which were the greatest number of men who had premium work was the machine shop, and in this about 70 per cent of all the work done was on the premium system, and the average premium earned by the machinists for the time they were working on premium jobs was 24.12 per cent of their regular pay. It will be observed that the premiums paid during this period were at the rate of about $40,000 a year, and as there are in the neighborhood of 600 employees at the arsenal it follows that the wages of all were increased on an average of about $66 a year. Premium payments, but not time studies, are made also at the Frankford Arsenal in Philadelphia, Pa.; and at that establishments these payments amount to about $45,000 a year. As stated above, these premiums are over and above the regular day wages of the employees, which are fixed by the rule that they shall be the same as those paid in the vicinity

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for work of like character, and which have not been diminished since the commencement of the application of the premium system of payment; so that the charge that this system results in a demand for higher speed on the part of the workman without any ultimate increase of wages has no foundation in the now well-established practice at these arsenals. I inclose a copy of the report from the Watertown Arsenal which is referred to in this paragraph, which shows the name of every workman who was employed upon a premium job during any part of the first 23 days of last November; the time which he worked upon such job; the amount of premium which he earned; and the ratio which this premium bore to his regular wages. There is also shown the average premium earned in each shop and the percentage of the total work in the shop which was done under the premium system. It appears that the total sum paid in premiums during these 23 days (19 working days) was $2,519.69; that the total number of employees who received premiums was 340; so that the average premium earned by each was $7.41, and the average daily premium $0.39 each.

"4. The workings of the system, the economies effected, and the advantage to the workman are set forth in the reports of the Chief of Ordnance for the years 1911, 1912, 1913, and 1914. The extracts from these reports for the years 1911 and 1912 which relate to this subject are published in an appendix to the report of the Chief of Ordnance for the year 1913, together with certain petitions of a number of the workmen at the Watertown Arsenal against this system, and the replies of the Chief of Ordnance thereto. A copy of this appendix is inclosed herewith, and there are also inclosed copies of the reports for the years 1913 and 1914. *I invite special attention to these reports, as the subject can not be fully understood without knowing what is in them. They exhibit a high degree of advantage for the workman and such economy of manufacture for the Government that it seems inevitable that, if the economy is reduced, as it appears certain that it will be if the proposed legislation becomes effective, larger sums will be required for the operation of the arsenals.*

"WILLIAM CROZIER,
"*Brigadier General, Chief of Ordnance, United States Army.*"

Judging by the remarks of the principal opponents in the Senate to the anti-Taylor system clause, they were under the impression that if this clause were enacted into law the features it prohibited would not be permitted in the arsenals for at least one year.

On page 4890 of the Congressional Record of February 23, 1915, in answer to a question by Senator Hughes as to whether the system had not already been abolished at the Watertown Arsenal and quoting the notice posted at the arsenal dated January 25, 1915, Senator Weeks remarked in part as follows:

"Mr. WEEKS. Well, Mr. President, it would seem from the date which the Senator has given us that the action taken by the Chief of Ordnance must have been taken after or at about the time the Army appropriation bill was acted on by the House of Representatives, and he may have considered, in view of the action taken by that body, that *it was best to suspend what the House evidently desired should be suspended until the Senate had acted.* I did not know that that had been done."

Please note the italic portion of his remarks.

In commenting upon a letter Senator Weeks had received protesting against the passage of the clause in the Army bill, he has the following to say, the italicized portion of which indicates that he believed the Watertown Arsenal would be affected by the proposed legislation:

"John Driscoll is a resident, I think, of Brighton. Mr. Chipman is an organizer of efficiency methods, a resident of Cambridge, and writes that he is representing 221 of the machinists employed in the Watertown Arsenal. There are 666 men, or about that number, employed there. Not all of them are affected by the operation of this provision, so that Mr. Chipman undoubtedly represents a very large proportion of the men employed at the Watertown Arsenal *who are affected by the provision.* This is the letter that Mr. Driscoll writes to Mr. Chipman."

The action of the Chief of Ordnance in discontinuing the time study and the premium system at the Frankford and Watertown Arsenals after the clause in the Army bill had been passed by the House would indicate that if that clause was enacted into law that it would have the effect which he had thus given it previous to its passage.

The debate in the Senate indicated that both opponents and proponents of the proposed legislation were of the opinion that if this clause in the Army bill were passed that it would cause the War Department to discontinue the practices prohibited throughout the entire service, although everyone was no doubt perfectly aware that the clause was not universal in scope, if taken literally.

With the probability thus plainly in view that if the proposed legislation were allowed to remain in the bill that time study and premium payment would be dis-

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continued for at least one year, the Senate nevertheless allowed the clause to become law; and we therefore submit that if the War Department permits the Chief of Ordnance to continue these practices at the Watertown Arsenal it will be contrary to the wishes and the expectations of Congress.

We believe that Congress has expressed its wishes on this subject with sufficient clearness to warrant the War Department in taking the matter seriously, even though the legislation does not amount to substantive law. The rules of the House and the Senate are such that a clause which aimed to limit the uses of other funds than those contained in the particular appropriation bill to which it was applied could not be incorporated without unanimous consent, since a point of order raised by any one Member of the House or any one Member of the Senate would defeat the proposition.

Owing to the fact that the funds in the fortification bill of last year are available until expended, it might have been possible for the Ordnance Department to have evaded the antitime study and premium system clause by means of a literal interpretation, even though it had been included in every one of the 15 appropriation bills; because money might have been saved out of that appropriation with which to continue the prohibited practices for another year. It was therefore felt that one emphatic instruction from Congress to the War Department ought to be as binding upon that department as several more of the same kind. It was believed that the department had sufficient respect for law and the evident intention of Congress not to avail itself of technicalities for the purpose of evading the intent of the law.

The utterances of the Chief of Ordnance during the hearings before the special committee of the House of Representatives, during 1912, indicated that he would not further force this system upon the employees of the Government if he learned that continuous objection was going to be made to it. His attitude up to the close of the Sixty-third Congress appears to have been that he would discontinue the system as soon as some definite action had been taken by Congress in that direction, and his present intention to go as far as the letter of the law will permit is entirely out of accord with the position it was generally assumed that he had taken.

During my discussions with you some time ago on this subject, you reminded me that there might be some precedent for the position taken by the Chief of Ordnance in the position which the President of the United States is alleged to have taken with reference to a clause in the sundry civil bill of June 23, 1913, which prohibited funds therein contained for prosecuting violations of the Sherman antitrust law from being used for the purpose of prosecuting labor unions. The President is supposed to have felt warranted in signing that sundry civil bill only because of the availability of funds from other appropriations for the purpose of prosecuting labor unions in case they should violate the Sherman antitrust law. Permit me to call your attention to the difference between the position taken by the President of the United States at that time and the present position taken by the Chief of Ordnance: The President was confronted with the duty of prosecuting anyone that violated the Sherman antitrust law, and the decisions of the court at that time had included labor organizations within the scope of the law; consequently there was nothing for the President to do but to continue such prosecutions. On the other hand, the sundry civil bill of June 23, 1913, prohibited the use of any of the funds therein contained for the purpose of prosecuting labor unions under the Sherman antitrust law. However, it did not repeal any portion of the Sherman law which required such prosecutions to be made. The President, therefore, in order to live up to the law in both respects, would be required to prosecute all violations of the law according to the interpretations placed upon it by the courts, but he would not be permitted to use any of the funds appropriated that year for the purpose; so that in order to carry out his duties he would be obliged to use other funds if they were available for the purpose of prosecuting the labor unions.

In the case which is coming up for the decision of the War Department relative to the enforcement of a clause in the Army bill intended to prohibit time study and the premium system, the War Department is under no obligation to continue the Taylor system. There is no law that requires the Taylor system to be installed, and whether or not it is to be continued is purely optional with the War Department. Consequently, when Congress passes a law prohibiting certain features of the Taylor system from being used, when it is clearly evident that the only reason why the legislation was not made substantive law and of universal application, was due to the fact that it would have practically required unanimous consent to have it so framed, it seems to us that it becomes the duty of the War Department to heed not only the letter of the law but the spirit of it.

In order to further show that the War Department should observe the spirit of this legislation, permit me to call your attention to the position the department took with relation to certain orders that have been promulgated for the guidance of its employees.

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Mr. Charles C. Anderson, a machinist, employed at the Rock Island Arsenal, was severely disciplined for an alleged violation of a shop regulation. The shop regulation read as follows:

"Officers and employees of the Ordnance Department are prohibited from exhibiting any drawings, statements, or papers belonging to the official records of the establishment to which they are attached, or giving any information, copy, or extract from the same, or any information respecting the business of the departments to any person whatever, without in each case, an order from the Chief of Ordnance."

This regulation prohibits only *the giving out of information*. It does not prohibit *the asking for it*. However, that distinction did not appear to have any weight with the department in its conclusions. The department contended that the spirit of this regulation had been violated, and I would say that if this were our only defense in this case our position would have been a weak one. Without entering into the merits of the Anderson case at this time, the point I desire to bring out is that the department does not approve of the practice of employees caviling in the wording of the department's regulations for the purpose of ascertaining if there be not some other way of doing the same thing that the regulations are intended to prohibit, and it treats violations of the spirit of its regulations the same as if the violations were direct.

The employees at the arsenals, with few exceptions, are opposed to the Taylor system, particularly the time study and the premium features.

During my visit at the Watertown Arsenal, the latter part of last month, the opposition to the time study and the premium system was practically unanimous, and they are patiently waiting for the 1st of July to arrive, when it is hoped that time study and the premium system will be discontinued.

Numerous statements made by officials of the Ordnance Department would imply that the employees of the Watertown Arsenal are perfectly satisfied with the system, and even a letter written by a Mr. Miner Chipman, an efficiency engineer, to Senator Weeks, under date of February 12, 1915, would have the authorities believe that he, as counsel for the arsenal employees, was authorized to state that they were opposed to the legislation contained in the Army bill on the subject of time study and premiums. In rebuttal of this, permit me to call your attention to numerous petitions that have been filed with the War Department by the employees at the Watertown Arsenal asking the discontinuance of the system, and the more recent letters written by their authorized committee at the arsenal in which the legislation in the Army bill was favored and urged for passage. One such letter can be found in the Congressional Record of February 23, 1915, on page 4882. Mr. Chipman had absolutely no authority to represent the employees in the direction he did. He did have authority to represent them for the purpose of securing the elimination of the system, time study and premium included, but he did not have authority to represent them for the purpose of urging the continuance of these features. Since the passage of this clause in the Army bill, Mr. Chipman has resigned as their counsel, as he no longer represents their wishes.

Since Congress has already expressed its wishes on this subject, there appears to us to be no necessity for the department to wait until the Industrial Commission has made its report relative to this subject before it takes action. With all due respect to the Federal Commission on Industrial Relations, which is doing excellent work in many respects, Congress, we believe, is a more authoritive body and the departments should carry out its wishes.

For your information, I insert a copy of an order which has recently been promulgated by the Secretary of the Navy with reference to the clause in the Navy appropriation bill which prohibits time study and the premium or bonus systems in his department. This order we consider eminently fair and in keeping with the position that we think the departments should take:

"NAVY DEPARTMENT,
"*Washington, April 19, 1915.*

"From: Secretary of the Navy.
"To: Commandant and industrial managers of all navy yards and stations.
"Subject: Circular letter in regard to premium and bonus systems.

"Attention is called to the proviso in the naval appropriation act for the fiscal year ending June 30, 1916, reading as follows:

"'*Provided*, That no part of the appropriation made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or any other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or any other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any

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premium or bonus or cash award to any employee in addition to his regular wages, except for the suggestions resulting in improvements or economy in the operation of any Government plant.'

"All premium and bonus systems of doing work and all time studies or timing of employees as defined in this act will be discontinued on or before June 30, 1915.

"The wording of this act, however, is construed as not prohibiting straight piecework, that is, work paid for at a certain rate, such as per hundred rivets, per hundred feet of calking, etc., etc., with or without a guaranteed day's wage in case of failure through no fault of the employee.

"Where systems are in use, based upon premiums or bonuses, these should be charged, if possible, to straight piecework, as defined above, provided such charge is acceptable to the employee.

"JOSEPHUS DANIELS."

FINDING OF FEDERAL INVESTIGATOR.

The following statement of some of the results of "scientific management" is taken from the testimony of Mr. John P. Frey, who, as stated before, was one of the investigators employed by the Federal Commission on Industrial Relations:

In the first place, there is no such thing as "scientific management"—a complete system in itself, which has proved through objective facts that it is scientific. The term "scientific management" is a misnomer. The leading representatives of scientific management have endeavored, since we began to investigate the system, to get away from the term itself, and desire to call it "system of management." For, after all, what really exists are a number of systems, each system containing certain methods, such as the use of the stop watch, the use of the timing system, the routing of work through the planning room, and the paying of some other form of wages than piecework or daywork. Every scientific management engineer has worked out a system of his own, and has modified the original Taylor system very largely.

We found upon careful investigation, that, while it was stated that fatigue studies were made, there is not in existence any studies in fatigue that would enable anyone to discover where the danger point in fatigue began, or when the danger point of fatigue had been reached. No scientist, to say nothing of the scientists of the scientific management group, has yet worked out any tables on fatigue. No one has as yet worked out any data on long-time efficiency. And what I mean by that is, the maximum amount which a man can produce in a lifetime. They have records of what a man can produce in a day, a week, a month, or a year, but there is no such thing as long-time efficiency records, or records which would indicate how much the workman could do in a lifetime. It has been rather a record of what spurters could do in a dash, and not how much a man can do week after week, month after month, and year after year, say, in delivering the mail in a city.

NO MEASUREMENT OF SPEED.

We also found that there is no standard of measurement to determine what normal speed should be. That rests entirely upon the judgment of each individual efficiency expert. There is no standard of measurement at all as to what the speed should be.

We also discovered that there is no standard to determine what the hourly wage rates should be, except that they base that upon what they find wages to be locally. In other words, they have evolved no standard, no rule, no method of measurement which would enable them to determine scientifically what the hourly wage rate should be.

We also discovered that they have never been able, apparently, to work out any standard, or any rule, of measurement which would enable them to determine what the comparative value of one class of labor would be, as compared with another class.

I would like, at this time, to say that we found it extremely difficult to place much confidence upon their records of efficiency. A number of efficiency engineers have made statements—perhaps before this committee—and they have in their books and magazine articles, as to the change in efficiency as indicated by an increased output per workman.

We discovered that very many of these increases in output were to be traced more to improved management methods in the way of handling material in the plant, by the introduction of better appliances, as air hoists from floor to floor, traveling cranes,

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where men formerly lifted by hand; and to be traced not by what labor had done itself, but to better management in the plant.

We also discovered that the records they had, and which they used in order to prove that their system does not necessarily push labor to the limit, were very unreliable.

A number of them have very interesting records, which would indicate that high percentages of the employees—as high as 95 per cent in task and bonus shops—earned the bonus; or, in other words, completed the task within the time set and got the bonus.

That testimony would indicate, superficially at least, that the tasks set were so easy of accomplishment that most of the workers were able to accomplish them. The facts are, that where the task and bonus systems have been introduced, and where foremen are paid a bonus based upon the percentage of the workmen under them, to make their bonuses they become what are termed "bonus stealers." In other words, so much time is allotted to a task. A worker may have from 2 to 3 or from 25 to 30 different jobs handed to him during the day. Before he can begin the new order he must go to the office (or else a boy does that for him, depending upon the system in use), and the order is there stamped by a time clock, showing the moment at which the man began work on that order. When this order is completed that slip goes back to the planning room and is there time-clock stamped, showing the time at which the job was completed, and if the job has been completed within the time set for the job the workman earns his bonus and the foreman his share.

Jobs are set so unevenly under the task and bonus system that a very large number of the workers are unable to earn their bonus on one-half of the jobs, so the workers and the foremen get their heads together—the slips are sent into the office before the job is finished. On one job during the day the worker will fall down lamentably, you see, to balance up the thing, but he will earn bonus so far as the record shows on one-half or two-thirds of the jobs that he in reality had not earned a bonus upon, but the time-clock records that they depend upon so much would indicate that he had. Discovering that condition in more than one plant, we realized that their data as to the percentage of workers who earn bonus was so unreliable that we did not feel justified in using it.

"SICK" PLANTS USED AS EXAMPLES.

We also discovered this: That in a number of cases, in fact a very large number of cases, scientific management had not been introduced in the plants until the plants had become industrially sick, where the conditions were such that dividends were no longer declared, and it seemed very likely that the sheriff would appear on the scene. So they really came into the plants as doctors, to cure defects; to get rid of the poor management and put an effective management in its place. And the return of prosperity and dividends was not due to the system so much as it was to putting out the incompetent men who occupied high places; changing them, and putting competent men in their stead. I am calling attention to this because it may throw a side light on some of the records which have been submitted.

I might say, too, that we discovered this in a number of plants that are known as "show plants." They are plants that have been written about considerably. Through the system of employment which they have established, they have got picked crews. You had before your committee a manufacturer, who told you about the accomplishments in his plant. I think I had better not use his name because we pledged ourselves in visiting these plants that we would not use names in our report; that we would not furnish the names to the Commission on Industrial Relations, because we desired to get as much information as we could in those plants, and a number of employers, and some of the efficiency experts, said that if we published the names of the firms and engineers it would probably lead to labor troubles in each plant. But the committee may have no difficulty in knowing the particular firm I am now referring to.

This firm as a part of its system has an employment bureau. They employ a large number of women; the majority of them, in fact, are women. The applicants for work are first submitted to a medical examination. Their eyes are tested; their ears are tested; their heart is tested; their lungs are tested; and their kidneys are tested. As a result of this preliminary investigation the records of the firm show that over 75 per cent of all applicants for work were struck off from their list of possible employees. Of the remainder who went to work they were tested for a while, and if they then failed to come up to the standard they were let go.

So that instead of representing a normal condition for employees, this shop represented a particular crew of picked workers. Looking over them, as I did, I saw that very few of the women were over 30 years of age, and I think the larger number would be around 21 or 22.

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This plant had some particularly aggravating methods of speeding up the workers. They had a system which they called a piecework system, but it might also be called a premium system. They paid the workers so much a day, but they must also produce so much an hour, and they must produce so many pieces in an hour. Each group of workers had two sets of wages, for illustration, 28 cents and 35 cents. If the girl failed to produce the task set for her she was reduced from her 35-cent rate to the 28-cent rate.

The CHAIRMAN. You mean 28 cents an hour?

Mr. FREY. Twenty-eight cents an hour. So that if she failed to reach the task set she was penalized by being placed in the lower wage rate.

"GROUP SYSTEM" OF STIMULATION.

An additional stimulus also was the erection of iron posts throughout the rooms. These men and women were garment workers, and the shop was an exceedingly well-lighted and airy one. I think it was as fine a shop to work in, so far as air and light are concerned, as I have ever been in. The large floors were open.

The workers were divided into groups of three and four; very seldom were there six. For each group there was an iron standard, and on the top of that standard, about 8 feet high, was a metal card. On that metal card were the number of operations, the number of buttons or collars to sew, that that group must perform in order to accomplish the task set for them. So that a worker looking around the floor could see what every other worker had to accomplish. From time to time the bosses went around from group to group and counted up the operations they had performed up to that time. The bosses hung up cards showing how much they had accomplished up to that hour, so that by this means each group knew whether they were behind or getting ahead.

That not only kept each group up to the mark, so to speak, of accomplishing their task, but it also created racing between the different groups; and, in my opinion, it was intended to accomplish that purpose, for each little group, trying to show that they were as smart as the other groups, watched what other groups were doing. And when that failed to push them along the foreman, or gang bosses, or speed bosses, would go up to their group and say, "That group has got us beat, and we can not afford to let them do it." So, as I say, this is used as a form of additional stimulus to keep the workers up to the highest standard.

It is impossible to say what the effect of that kind of labor will have upon the women. The system has only been in operation for three or four years, and the overturn of labor is 25 per cent, so the company stated; and it is therefore impossible for us to judge what the physical effect of that system is to be on those women, for there are no long-time records. We can all draw our own conclusions, however, from that.

FAKE "SCIENTIFIC" ENGINEERS.

We found very early in our investigations that not only were the leading exponents of scientific management at odds between themselves as to how time studies should be made and what form of payment should be used, but that they were unanimously of the opinion that there were more fakers installing scientific management than there were fakers in any other profession.

One of the most prominent of the group told us that in his opinion there were five fakers for every genuine efficiency expert in the field, and that organized labor, having come in contact with the fakers' work, were justifiably opposed to what the fakers were doing, but that if we knew what the real experts were doing then we would not have such objection.

It has proved a very profitable field. The employer listens to the story told by the efficiency expert; he sees his labor costs reduced, his production increased, and he puts these men in, sometimes with extraordinary results. In one instance, in Iowa, a very well-known expert, who had been advertised extensively in some of our magazines as teaching anyone how to study character and determine what a worker is adapted for, was paid a salary of $15,000 approximately for one year to install this method of selecting employees. I do not think that that was the sole cause of the firm's going into the hands of receivers, but it was one of the causes; and in discussing this one case with a number of efficiency engineers they pointed out that under this "scientific" method for the selection of employees that it had worked out the reverse of what had been promised, and that in many instances, and particularly in managerial positions, the wrong person had been put on the job.

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I would like to quote to you from what one or two of these gentlemen said to us about these fakers. One of the best known efficiency engineers said to us [reading]:

"At the present time there is a great dearth of men who are qualified by experience, training, and temperament to establish in industry the principles of 'scientific management' and to develop a proper mechanism for the application of these principles. There are also some of these men who are perfectly sincere and honest in their efforts and do not realize their shortcomings or lack of qualifications. Others have regarded so-called efficiency engineering as a means of earning an easier living and making more money than they would otherwise be able to do in other fields."

This gentleman is very prominent as an efficiency engineer.

Another one equally prominent said to us [reading]:

"One trouble is that there are a large number of fakers installing systems under the guise of "scientific management" and it is because of what they have done that workmen have just cause for complaint?"

So far as the scientific management group, and I include in that the names I have already given—Taylor, Emerson, Gantt, Barth, Hathaway, Parkhurst, Simpson, Babcock, and others—lay as much stress upon the necessity of time and motion study as upon anything else. The managers all told us in the plants where we investigated conditions that the stop watch and the time studies made with the stop watch and the motion studies which resulted were absolutely essential to the labor side of the problem, that time and motion study were one of the keystones of scientific management, so far as the output of labor were concerned. We were under the impression, when we began the investigation, that we would find something of a scientific character about time studies; that is, something that at least seemed to give evidence of scientific accuracy, something that would give definite knowledge as to the time required to perform a task, but we discovered that there was no such thing; that after all the time that was set upon a task was a matter of judgment on the time-study man's part plus the readings of the time studies, plus the policy of the firm.

I might at this time—and I want to discuss time study for a moment—call attention to this condition, which we discovered in a plant in Connecticut, not far from the New York line. One of the leading efficiency experts had introduced his system in one department. He informed the firm that it would be necessary for him to set the jobs so that the workers would not be too frightened and so that the results they would secure would lead the workers in the other departments to feel willing to work under scientific management. This gentleman made the usual time studies and set the tasks as a result, and he set them liberally, because under scientific management you can make a task as easy or as hard as you want it—and when you are arguing the matter with the time-study expert the matter is as strong one way as the other—he set the tasks so easy that the employees in that department made a great deal more money than they had ever made before. The management became alarmed at what the efficiency expert had done, and they eventually let the expert go. Then they were threatened with a strike on the part of the employees in this department to retain the system, with the tasks as set because they were making a great deal more money than ever before and working easier.

Not many miles from here, and in the same State, we went to another plant where scientific methods had been installed. There the manager wanted to secure better results as to output and a very rapid reduction in the cost of production. The tasks were set so hard that none of the workers could reach them, or such a small percentage, that this firm was threatened with a strike on its hands and had to throw out all of the tasks set by this time-study man and revise the jobs and make them easier.

SYSTEM IN POST OFFICE DEPARTMENT.

Your committee found that the "stop-watch" system was being introduced in the Post Office Department in a most pernicious form. The pending legislation, if enacted, would of course end the evil at once.

In this connection your committee desires to call the attention of the House to the clear and convincing statement submitted to your committee by Mr. Edward Cantwell, secretary of the National Association of Letter Carriers, and which is as follows:

Mr. CANTWELL. Mr. Chairman and members of the Committee on Labor, I come before you to-day to enter my protest against the stop-watch or time-measuring device system in vogue in the Postal Service and to urge the committee to carefully weigh

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all the evidence that will be submitted to them in the hope that they will make a favorable report to the House of Representatives on a bill that will stop this practice in the future.

For the information of the committee, I submit herewith a memorandum of the speed standard and the result of a test made in the Cincinnati post office.

On October 14, 1915, a test was made of 210 carriers in the Cincinnati post office, divided as follows:

Forty-six six-trip carriers; 10 five-trip carriers; 30 four-trip carriers; 31 three-trip carriers; and 93 two-trip carriers. Out of a total of 210 men, 130 fell below the standard in this test. Of the six-trip carriers, 23 measured up to the standard and 22 fell below it. Five trippers, 2 carriers made the standard and 8 fell below; of the 4 trippers, 4 men made the standard and 26 fell below; of the 3 trippers, 8 measured up to the standard and 23 fell below; of the 2 trippers, 43 made the standard and 50 fell below; of the total number, 80 carriers measured up to the speed test of the department and 130 fell below.

Of the test taken on Friday, October 15, 1915, out of a total of 206 men but 72 measured up to the standard and 134 fell below the standard.

In the speed tests an allowance of one minute is made for answering communications It hardly seems reasonable to suppose that any man could answer a communication from his superior officer in one minute. In answering an official communication it must be drawn up intelligently and contain the information sought by the official and couched in respectful language. I will leave for the committee to judge whether there is one among us who could pick up an official document requesting a reply, read it, and make an intelligent answer in writing in the space of one minute. For example, the superintendent of a post office hands an official communication to a letter carrier reading as follows:

"Complaint is made by Mr. Edward Keating, formerly of Congress Hall, that his mail is being left at that address, although he filed an order to forward his mail to the Continental Hotel."

On receipt of this communication the carrier must first ascertain if the accusation be true. He knows that for the past several days he has forwarded Mr. Keating's mail to the Continental Hotel, and he further knows that the order to forward is only three days old, so he calls at Congress Hall and inquires if he, by any chance, left a letter for Mr. Keating at any time, and is told by the clerk that a letter was left for Mr. Keating on the morning of the day that he left the hotel, and that he had sent one of the employees to the Continental Hotel the next day with the letter. Mr. Keating had not filed a removal notice until the day following his removal from Congress Hall, hence at the time the letter was delivered at Congress Hall no order was on file to forward his mail. This must be made clear to the superintendent, so the carrier writes him as follows:

MARCH 30, 1916.

W. H. HAYCOCK,
Superintendent of Mails, Washington, D. C.

SIR: Replying to the attached communication, I beg to advise that I have forwarded all mail addressed to Mr. Keating to the Continental Hotel as per order since the order was received by me, but prior to the filing of the order and after he left Congress Hall a letter was delivered there for Mr. Keating, which was later taken by an employee and delivered to the Continental Hotel.

Respectfully submitted.

JAMES P. MAHER, *Carrier 496.*

This answer is intended to make it clear to Mr. Keating that his mail is receiving the proper attention, and explains the reason the delivery of the letter to him by the employee of the Congress Hall Hotel was due to his failure to file a removal notice until the day after he had left. Now, anything less than this would not answer the purpose, and no man living could write the above in one minute. What I mean by that is that he could not take that official communication, read it, and find out what the assistant superintendent wanted to know, and then compose a letter and answer it in one minute's time.

One-half minute is allowed for change of address, which is not sufficient for the purpose, unless a letter carrier can make all the changes of address from memory and not be compelled to consult his removal book. Should a letter carrier make a change of address from memory and forward a letter to the wrong address the letter is delayed, and the carrier is disciplined by having demerits charged against his record. To mark up and forward seven pieces of mail per minute depends entirely on the character of the marking up. If it is simply to mark the number of the district on which the letter is to be delivered, seven pieces of mail could be readily marked up in one minute. If, however, one or more pieces of mail requires looking up in an order or

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removal book, it would be a physical impossibility to mark up seven pieces of mai in one minute.

The pace set in these tests is beyond the physical and mental endurance of an ordinary man, and if lived up to would result in the breaking down under the strain of any human being. The tests could possibly be made by a man of extraordinary ability and training for a period of one hour when a man is at his best. No ordinary man could stand the pace and maintain all the requirements set out in the rules and regulations covering these speed tests.

The system has a tendency to make mere machines of men and to destroy all initiative and to have them lose personal interest in their work.

This system destroys harmony of effort and cooperation between the officials and the working forces and with resultant harm to the public service. It seems to me to be poor policy on the part of the Government to institute a system among its employees that takes away from them the incentive to take pride in their work. It is carrying the policy of economy to extremes and has the tendency to foster discontent and unrest among the men who do the real hard work.

OBNOXIOUS SECRET TESTS.

I will now cite a condition that prevails in the Postal Service that to my mind is without justification or excuse. I have presented to the committee copies of the department's speed standard, which in themselves are worthy of the serious thought and consideration of the members of the committee. The strain incident to keeping up with this so-called standard of efficiency is heartbreaking in the extreme, but the condition of the emyloyees is aggravated by what is termed "the secret tests." Each carrier is subjected to this so-called speed test on one day of each month, the day and date being unknown to the carrier and the testing being secretely made. The purpose of these secret speed tests is to keep all the men working at top speed mentally and physically every minute each day, as the carriers do not know what day they are being tested.

On the day a carrier is subjected to the test, I have been informed, inspectors secretly count the pieces of mail of all classes that the employee handles that day, before the carrier receives his mail for routing. Several weeks after these secret tests are made the employee receives a letter to the effect that he is "not working up to a standard satisfactory to the office." A concise statement is embodied in the letter, showing the number of pieces of mail the carrier handled and how far he fell below the required standard. The communication contains a statement to the effect that "it is hoped you will take such steps in the future to bring your work up to a standard as not to make it necessary to write you again concerning it."

I will leave to the judgment of the committee the class of man and kind of mind that could conceive putting these secret tests into force and effect in order to keep men working under a constant mental and physical strain. I also leave to your consideration the sort of mental and physical condition a man of nervous temperament will be in at the end of his day's work. When employees who are honest and upright and conscientious are subjected to this constant suspicion and continual driving, they can not do good work. They are required to keep up the tests regardless of whether the conditions are favorable or unfavorable. Inclement weather, snow, rain, or icy sidewalks, poor or irregular car service or freezing cold cuts no figure when the secret tests are being made. Such a system can only result in breaking down the health of the employees who are required to keep up with it or will result in making mental wrecks of employees of a high-strung and nervous disposition.

I have placed before you a statement of the facts gathered together from the complaints of the letter carriers in all parts of the country and I appeal to you in their behalf to make a favorable report on the Van Dyke or Tavenner bills, with a recommendation to the Congress that it be enacted into law.

CONCLUSION.

In conclusion your committee would suggest:

The system so persistently urged by Gen. Crozier involves a fundamental, not to say revolutionary, change (*a*) in determining what is a reasonable day's work for an employee in the national arsenals and workshops and (*b*) in the method of compensating the workers, to wit, the substitution of the "bonus" or "premium" system for the age-old "day's-pay" system.

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The workers affected seem to be almost unanimous in their opposition to the change. They insist it will be oppressive to them and will be without benefit to the Government.

So intense is this feeling that an attempt to install the system in all the Government workshops would, in the judgment of your committee, lead to very serious consequences.

In view of these well-established facts, it seems to your committee it would be the height of folly to permit Gen. Crozier to persist in his plan. Apparently, the only way to restrain him is to enact the bill under discussion, and your committee trusts the House will take prompt and favorable action.

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MINORITY VIEWS.

Mr. BROWNE, from the Committee on Labor, submits the following dissenting report to accompany H. R. 8665:

The Tavenner bill makes it unlawful for any officer, manufacturer, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to make or cause to be made with a stop watch or other time-measuring device or system a time study of any job of any such employees or of the movements of any such employees while engaged upon such work. It also prohibits the payment of premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvement or economy in the operation of any Government plant. For any violation of the above provisions it imposes punishment by fine of not more than $500 or by imprisonment of not more than six months.

SWEEPING PROVISIONS OF BILL.

It will be seen at a glance that the terms of the bill are very sweeping, and that any violation is made a crime and followed by a severe punishment.

The two departments of the Government which would be immediately affected if this bill should become a law are the War Department and the Post Office Department.

These two departments are competing with large private corporations engaged in the same business. They would have to immediately abandon the system of scientific management which has made them not only the most efficient departments of our Government but the most efficient industrial institutions, either public or private.

Postmaster General Burleson and Secretary of War Baker are both strongly opposed to this bill. They are charged with the responsibility of conducting their departments in an efficient manner, and in the administration of their departments they should not be restricted by legislation on matters purely administrative.

Secretary of War Baker has written a letter to the Speaker of the House of Representatives, dated April 20, which has been referred to the Committee on Military Affairs, in which he says: "The wages paid to our operatives at the Watertown Arsenal as a flat rate irrespective of their response to the time system, is the current rate of the community for similar work, and in addition to that, premiums are offered, not large but large enough to stimulate continuous and faithful activity. So far as I know, there is not a case on record at Watertown, since the introduction of this system, of a nervous break-down or physical exhaustion due to excessive work, nor is it claimed that the operatives in that plant, protected as they are against long hours by a wise eight-hour provision, are in any sense driven or hurried beyond a fair and safe limit."

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Secretary Baker also states in his letter that each employee of the Watertown Arsenal working on premium jobs, receives on an average $10.66 as premiums in addition to his daily wage.

The Secretary of War further states in his letter, "The legislation which is being urged upon Congress, is advocated by organized labor which is opposed to the system intended to be prohibited, for the essential reason which is embodied in the charge that it is a speeding-up system. I can not understand this charge as having any other meaning than that the work required of the employees by the system is unduly severe. Of the truth of this charge in the practice of the system at the Watertown Arsenal, there is no evidence whatever, but there is a great deal of evidence the other way. There is no complaint of overwork at the arsenal, and no workman has been discharged because of failure to meet the requirements of the system."

The Secretary further says, "To prohibit the system of which the record shows undoubted advantages both to the Government and to the employees, because of a charge unsupported by evidence, or even by any attempted evidence for there has been no effort to prove overwork at the Watertown Arsenal, seems to me to be most unwise."

Gen. Crozier, the Chief of Ordnance, who has charge of the Watertown Arsenal, also concurs strongly in the opinion of the Secretary of War, and has testified of the highest possible benefits of scientific management both to the employees and to the economy of production.

ARGUMENT.

In dissenting from the report of the majority of the committee, I am not defending any particular system of scientific management.

There are many systems of shop management which have been originated by efficiency engineers. The most prominent of these are the Taylor system, the Emerson system, the Gantt system, the Stimpson system. Each one of these systems has its good points, its strong and weak features.

No one particular system of scientific management is involved in this discussion. It is, therefore, not my province to go into the discussion of these various systems upon which entire books have been written.

I desire to narrow down the issue to the matters involved in this bill, to wit: The prohibition, under penalty, of the use of a stop watch or any other time-measuring device or system in making a time study of any job of any Government employee. The prohibition of the payment of a premium, bonus, or cash reward to any Government employee.

ALL SYSTEMS OF SCIENTIFIC MANAGEMENT WOULD HAVE TO BE ABANDONED.

All systems of scientific management agree in that the making of time studies is essential to efficient management. Therefore, all systems of scientific management would come under the condemnation of this bill.

All systems of scientific management hold that the bonus or premium is essential as a part of the system as a reward for well-directed effort on the part of the employee. Therefore, all systems would come under the condemnation of this part of the proposed bill.

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WOULD AFFECT PRIVATE AS WELL AS PUBLIC ESTABLISHMENTS.

While this bill only directly affects manufacturing establishments conducted by the Government, it is self-evident that if a system is so nefarious as to justify the Government in imposing the penalty of imprisonment upon a brigadier general or Cabinet officer or Secretary of War, such a system would be so obnoxious that any private manufacturing establishment would be obliged to discard it.

If it is made a crime for a public officer to make a time study for the purpose of fixing a standard of service or pay a premium, it is equally reprehensible for a private person to do the same thing.

ALL SYSTEMS SUBJECT TO ABUSE.

It will be argued that time study and the bonus or premium system offer opportunities for unscrupulous employers to commit abuses. I answer that the plain flat day's work system offers the same opportunities for abuse.

Under the day-work system an unscrupulous, selfish employer has it in his power to dismiss a workman because he does not do a day and a half work in one day, and thus keep his workmen in fear of losing their jobs fully as much as he would under the time-study system.

Under the time-study system a workman can show that he is doing as much as the other men in his own factory, and other like establishments, which is a comparison he can not make when working by the day.

Any system that the ingenuity of man can devise can be abused by an employer as long as he has the right that every employer has, to discharge the workmen.

Even Government employees under civil-service appointment can be discharged for inefficiency and the good of the service, two very elastic words that can be stretched so that it amounts to a very small protection for an employee.

The employees in the arsenals or shipyards can be arbitrarily discharged.

It has been demonstrated that it is profitable for an employer of labor to treat his employees fairly and generously, and that by so doing he will receive more efficient service from them.

If an employer is unfair and wants to get more than a day's work from a man for a day's pay, the laboring man soon finds this out, and such an employer is only able to get the poorest employees.

If Government employees are not receiving sufficient compensation for the labor they perform, increase their wages, but do not abolish the use of efficiency systems that have been tried out and found to be beneficial and are recommended by the great efficiency engineers of the country.

SHALL WE INTERFERE IN THE MATTER OF ADMINISTRATION WITH THE HEADS OF THE GREAT DEPARTMENTS OF THE GOVERNMENT?

The passage of this bill would be a confession that this Government was afraid to place its employees under the heads of the departments of the Government for fear they would oppress the men working under them. The passage of this bill over the protests of the Secre-

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tary of War and the Postmaster General would be equivalent to saying to them, we are afraid to allow you to use the same efficiency methods that we allow private corporations to use, for fear that you will oppress your employees.

Gen. Crozier, who has charge of the Watertown Arsenal, is regarded as one of the most competent and broad-minded men in the Government service, and his name will go down in history beside that of Gen. Goethals and Gen. Gorgas, a man who has always recognized the rights of labor and believes in organized labor. By means of the time-study system and the premium and bonus system, he has been able to increase the output of the Watertown Arsenal from 50 to 100 per cent, and at the same time increased the compensation of his employees without in the least overtaxing them. Is this Congress on the case that is made out by the record, as disclosed by the hearings upon this bill, going to penalize such efficiency?

EMPLOYEES OF ORDNANCE DEPARTMENT.

The employees of the Ordnance Department, including the Watertown Arsenal, are given an eight-hour day. They are given a leave of absence of 15 days in the year with full pay. They are paid the going wage of employees engaged in similar occupations conducted by private employers, and under the premium system are receiving on an average of over $10 a month in addition to the going wage They also receive pay for seven national holidays that they are not required to work. They are given 13 Saturday afternoons during the summer season, making in all 28½ days when no work is required and they receive full pay. This leaves 284 working days, or exactly 10 per cent of the working time they have off with full pay.

There has not been any proof produced that the employees at the Watertown Arsenal have met with more accidents or that their health has been impaired, but, on the contrary, it has been shown that the health of the employees is good, and they meet with fewer accidents than in private institutions of the same kind.

The men who are representing labor and are demanding this legislation undoubtedly do so in good faith, but I believe they are mistaken and that they are more apprehensive of what they think is going to be the result of efficient management than what has or will really happen. This has been the history of the agitation on the part of the laboring classes and those who represent them in the attitude they have taken toward many inventions, especially labor-saving devices.

Samuel Arkwright, the father of textile progress, was obliged to hide his loom. He was followed by the mob because it was feared that it would deprive the hand loomer of his work.

You can read to-day in McMasters's History of the United States, of the resolutions passed by the men who were engaged in carrying passengers and traffic on the Hudson River, who expressed themselves as opposed to the steamboat which Fulton invented. The sewing machine, the linotype machine, and other efficiency and labor-saving devices met with the same opposition.

I am reliably informed that the Government Printing Office was one of the last large printing offices in the United States to install

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linotype machines, for the reason that the Government employees thought that it would throw them out of employment.

Yet, we know that all of these labor-saving devices have been beneficial, not only to all mankind, but particularly to the laboring classes.

TIME STUDY NECESSARY.

This bill prohibits all time study. The three great components of the cost of any article are labor, material, and overhead or expense account. Labor, of course, is the most important component part of the cost of any article.

The knowledge of the cost of producing an article is essential to fixing the selling price of the article. The ascertaining of the cost of labor in producing any article is determined by the time it takes in producing the article at the going wage. Time is, therefore, the fundamental and vital factor in determining the price.

Under the old system of compensation, the principle of time was recognized when men were paid by the day, week, or hour. For 50 years the "in and out" clock has been used which, of course, is a time-measuring device in a general way.

The stop watch is used principally as a laboratory instrument. It is seldom used in the plant by a foreman standing over the workman timing him. It is used by way of experimenting in taking the operation that is to be performed and making a laboratory study of it before setting the time or determining what is a reasonable time in which to do or perform the operation.

It is also extremely necessary to use the stop watch in deciding upon which of many methods is the best method to be used. As one mechanic illustrated, he took, for example, "the planing of a surface of iron or steel." There are four ways by which this may be done—it can be done on the planer, on the milling machine, or it can be done on the surface grinder, or on the shaper. How is the manufacturer going to know which is the best method to employ without experimenting on it in the laboratory? The method to be used varies with every kind of material and every different shape of article.

TIME STUDY USED TO ASCERTAIN THE BEST METHOD—UNLESS YOU CAN USE SOME TIME-MEASURING DEVICE AND FIND OUT THE TIME REQUIRED, YOU CAN NOT DETERMINE THE BEST METHOD.

Gen. Crozier, in his testimony, illustrated how a time study was necessary in order to find out the easiest way of performing the work and also in finding what kind of work a man was most capable of doing in order that he might be set at the kind of work he was best adapted. He stated, in his opinion, if the Tavenner bill became a law the labor cost in the Watertown Arsenal would be doubled, and that with the loss of premiums the laborer would not receive near the amount of wages he receives to-day.

Gen. Crozier also stated that he had not discharged any men as a result of the efficiency system, nor because he could not come up to the task, but that men were constantly shifted to the positions they were best adapted.

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THE PREMIUM OR BONUS SYSTEM.

The terms, premium and bonus, are used by many as synonomous, and were so used by many of the witnesses that appeared before the Labor Committee.

Technically, a bonus is a reward given a workman for accomplishing a certain task in addition to his daily wage. If he does not accomplish the task, no matter if he falls a very little short of it, he does not get the bonus.

A premium is a reward given a workman for accomplishing more than the standard task set. The amount of the premium fixed is at the same or greater pro rata than the workman receives for his day's task.

The premium system is used in the Watertown Arsenal, although it is sometimes referred to as a bonus.

A premium is similar to profit sharing.

To legislate against the premium and bonus system of paying labor, is to legislate against the opportunity of a workingman forming a sort of partnership in connection with his work. It is less complicated than profit sharing.

Profit sharing, of course, is impossible in a Government establishment. A premium is given a man to stimulate his intelligence and generally aid him in the work he can do and reward him for his intelligence and industry.

OVERSTIMULATION.

The only argument I have ever heard advanced against the premium or bonus system is that it will overstimulate a man. Any man doing business for himself has the same incentive to overwork that an employee would have under a premium system.

Some men, working for themselves, overwork and undoubtedly some men working for a premium, or even without a premium, overwork. But these are certainly exceptions and we can not make laws for the exceptions.

The Government employee is protected by an eight-hour-a-day law, and has 28½ days vacation, and there is not a single case on record at the Watertown Arsenal of a nervous breakdown due to excessive work.

When the premium system was restored, after having been suspended in March at the Frankford Arsenal, Maj. Shinkle, who was in charge of the cartridge branch of the arsenal, said there was a complete change in the atmosphere. Pessimism gave way to optimism; dissatisfaction to complete contentment.

The major further says there never was a better illustration of the fact that the premium system, when administered in the interest of the employees, is one of the greatest stimulus for the moral, physical, and financial well-being of the employees. (Hearings, p. 185.)

SUCCESS OF PREMIUM SYSTEM IN ARSENALS.

The testimony of Gen. Crozier, Chief of Ordnance, before the Labor Committee demonstrated that premium and bonus systems have been in use in Government arsenals for many years, to the satisfaction of

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both management and operatives; that time studies in connection with the premium system have been in operation in the Watertown Arsenal since 1909; that such system has never been used to "speed up" workmen by ascertaining the fastest time in which work could be done, and declaring it a standard of service; that every charge of alleged overwork has been investigated, and that "we have never found a man at the Watertown Arsenal who has said he was overworked." (Hearings, p. 159.) That accidents, instead of increasing under application of the system, have been less among those engaged under premium or bonus payments than among those engaged in day labor; that since the fixing of work under scientific management has reached appreciable proportions, there has been annually a steady decrease in the cost of production to the Government, accompanied by a steady increase in the earnings of those working under the system; that effort to stir up opposition to the system has been evidently stimulated from the outside by organizations opposed to the principles of the system itself, but efforts to abolish it have been met with spontaneous expressions from the workmen of desire to continue under the premium and bonus system, and that their own social welfare had been advanced by their larger earnings. Finally, that the right to pay premiums or bonus to workers in Government arsenals is regarded by the officers in charge as an essential means of stimulating meritorious increase in production if national self-defense at any time demands such increased production.

Patriotism, it is true, may supply a sufficient incentive to many employers and employees, but the right to insure increased reward for better service by premium or bonus is the only certain means of obtaining necessary increased production.

INCREASED EFFICIENCY HOPE OF LABORER.

Material progress in civilization is accomplished by an ever-increasing dual efficiency of employer and employee, the one in applying to management and direction improved machinery, power, transportation, methods of distribution, and the advangages of stimulated invention and discovery. The other to the incidents and circumstances of operation, higher skill, better conserved energy, improved facility in acquiring and applying progressive trade knowledge. No mode which the employer can apply in ascertaining wage cost prevents the employee from bargaining, individually or collectively, in fixing that rate. The more scientific the method of determining it, the easier for the employee to present his argument for a larger participation in the joint fruit of production and the more difficult for the unfair employer to avoid a just reward.

INDUSTRIES' CRUCIAL TIME.

After the European war many predict an industrial war will follow. The American workman should be backed by the greatest efficiency that human ingenuity can devise.

The circumstances of the present hour, the necessity for giving the Government's military department particularly a free hand in developing the best methods of administration and military defense, the taking on by the Post Office Department of new activities, and

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the economic readjustment which will undoubtedly be made necessary by a change in world circumstances of commerce and industry at the conclusion of the present war, all reject as unwise, inexpedient, and unjustifiable, the condemnation by Congress of methods innocent in themselves and of demonstrated practical value. The practical application of scientific technical knowledge to the processes of production is of inestimable benefit to employer, employee, and society. Great Britain has presented the spectacle of a great industrial nation suffering severely in a national crisis from industrial inefficiency and restriction seriously endangering her capacity for self-defense. The United States may well learn by the moral of an experience not her own to avoid at this time the deliberate public condemnation of efficiency in the public service by threatening with fine and imprisonment officials who have consecrated their lives to the service of their country if they endeavor to apply methods which in private establishments are daily demonstrating their economic and social value.

EMINENT AUTHORITIES ON SCIENTIFIC MANAGEMENT.

Mr. Louis D. Brandeis, acting as counsel for the traffic committee of the trade organizations, made the statement that in the operation of the railroads of America, savings aggregating at least $1,000,000 a day might be made by the introduction of scientific management.

Mr. Brandeis filed a brief January 3, 1911, opposing the proposed advance of rates asked for by the railroads.

In Mr. Brandeis' brief he discusses thoroughly the different systems of scientific management, and I quote from his brief, as follows:

SCIENTIFIC MANAGEMENT DEMANDS TIME STUDY.

The results obtained through scientific management depend further on a careful study of each operation with a view to determining in the first place what time should normally be taken in performing the operation, and secondly, whether it can be performed in a better manner than as hitherto practiced. The whole realm of science is brought to the aid of the humblest workman.

Scientific management recognizes also that due appreciation of the actual results of effort must be based upon actual knowledge, and such knowledge is an essential condition to the best performance. The current record of the accomplishment of each individual, of each machine, and of all materials, is an indispensable factor in scientific management. Without such a record the tyranny of the foreman, and all the discord which attends it, is inevitable. Without such a record, justice to employer and employee is impossible. Without such a record, waste can not be eliminated.

FINANCIAL GAINS.

Under scientific management the employee is enabled to earn without greater strain upon his vitality from 25 to 60 per cent more than under the old system.

The larger wages are made possible by larger production; but this gain in production is not attained by speeding up. It comes largely from removing the obstacles to production which annoy and exhaust the workman, obstacles for which he is, or should not be made responsible.

INCREASED PAY.

(*a*) In the Brighton Mills the earnings of wages were thus increased from 45 to 75 per cent above the prevailing pay rate.

(*b*) In the Tabor Manufacturing Co. the wages of the men were increased on an average of from 25 to 30 per cent.

(*c*) In the Link Belt Co. the earnings of the men were increased on an average of 25 to 30 per cent over the general prevailing wage.

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GIVING THE MAN A CHANCE, GIVING HIM INSPIRATION, MAKES A MAN OUT OF HIM INSTEAD OF A MACHINE.

The social gain of the workman from scientific management is greater even than the financial. He secures the development and rise in self-respect, the satisfaction that his work, which in almost every line of human activity, accompanies great accomplishment by the individual. Eagerness and interest take the place of indifference both because the workman is called upon to do the highest work of which he is capable and also because in doing this better work he secures appropriate and substantial recognition and reward

BRANDEIS FAVORS BONUS SYSTEM.

The money reward for the individual workman's high accomplishment is ordinarily and probably most effectively distributed by means of a bonus system. The bonus system under scientific management has proved itself to be perhaps the most appropriate method of securing to labor its proper reward and perpetuating full cooperation between employer and employee.

SCIENTIFIC MANAGEMENT HELPS CONSUMER.

Experience in trade has shown that except where there is a close unregulated monopoly the public always secures some part of the benefit gained by reduced cost of production. The reduced selling price comes ordinarily, not as a voluntary concession, but because the demand of the consumer for lower prices proves irresistible in competitive or publicly regulated business.

SCIENTIFIC MANAGEMENT AND LABOR UNIONS.

Mr. Brandeis believes in and has been as great a friend of organized labor as any man of this generation. He says in his brief:

The claim has been made that scientific management and labor unions are inconsistent; that the organization of labor present insuperable obstacles to the introduction of scientific management in railroads and other industries where unionism is potent. This claim, we believe, is wholly unfounded in fact.

Collective bargaining is alike an important factor under scientific management as under the old system.

Unionism does not prevent the introduction of scientific management. It is true that unions, in some trades, have bitterly opposed the introduction of the piece rate or the bonus system without scientific management, just as other unions have opposed the day rate system without scientific management. And very intelligent labor leaders have from time to time objected, and objected properly, to ruthless methods of speeding-up; but, as shown above, speeding-up is not scientific management.

It will always require tact and patience to introduce radically new methods, whether the persons to be effected are organized or unorganized workers.

SCIENTIFIC MANAGEMENT APPLICABLE TO ALL BUSINESS.

Experience has already demonstrated that the principles of scientific management are generally in their application, and can be introduced into practically all businesses, and all departments of any business. They have been successfully applied in private competitive business, like machine shops and factories, steel works and paper mills, cotton mills and shoe shops, in bleacheries and dye works, in printing and book binding, in lithographing establsihments, in the manufacture of typewriters and optical instruments, in construction and engineering work.

Mr. Brandeis produced evidence of the success of scientific management in many different industries, and offered to continue further, when Commissioner Prouty of the Interstate Commerce Commission said:

Mr. Brandeis, you can hardly add anything to your case by calling the representatives of some other industry and showing these same principles have been applied there. It is perfectly evident that if they have been applied in one case, they can be applied in another analogous case.

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Mr. Brandeis has given as great study to labor problems as any man in this country, and has always been a champion of labor.

Gen. Crozier, Chief of the Bureau of Ordnance, states that in the various arsenals over which he has charge there are 6,194 employees. These employees work 8 hours per day, and each employee has a 15 days' leave of absence each year with full pay, and receives the same wages as are paid for similar work in private works and in addition many receive premiums or bonuses.

Gen. Crozier testified before the Labor Committee that if the Tavenner bill became a law it would have the effect of abolishing all time study and premium work in the Watertown Arsenal, and in his opinion the labor cost would be doubled.

The following questions were asked Gen. Crozier when he testified, and answered by him as follows:

Mr. DENISON. As a result of this system, have you had a chance to observe whether or not there is a decrease in the vitality of the employees, and whether it has an injurious effect upon the laborers themselves?

Gen. CROZIER. It has not in the least. As I stated a moment ago, the records show that the percentage of accidents among the premium workers is less than among the day workers.

Q. Does the application of the system result in eliminating the men or shifting them?—A. We have a great deal of shifting of the men. We have not discharged any man as a direct result of the system. We have never discharged a man because he could not come up to the system. (Hearings, p. 169.)

Q. General, what is your judgment, speaking with reference to these men, as to whether or not this system will result in decreasing their vitality and health?—A. I do not see the slightest reason why it should. You must remember that the effort which is made is only to ascertain what the workmen can do reasonably, or can be reasonably expected to do. In that respect it constitutes a safeguard, because without the system in any effort to establish tasks I do not see that we can do anything but resort to the pacemaker. If you have an employed pacemaker, he may be an exceptional man, and he would furnish the only standard you would have to go by in forming your expectation as to what a man should do. Even under this legislation this kind of a process would not be forbidden.

Q. Let me ask this question: Do you think that the enactment of this law, if it should be enacted, would result in any embarrassment to the Government or in any decrease in its ability to meet the situation in case we should become involved in a war?

Gen. CROZIER. I think it would have a great influence on it, because in that case we would have in the first place no accurate knowledge of what a day's work should be, what the output of the workman should be, or what we should require him to do, or what we should tell him to do to get a day's work.

Q. Do you think you could get a factory to a high state of efficiency without the stopwatch system?—A. I think we could not reach a high state of efficiency without it. I do not believe I could have gotten the Watertown Arsenal up to its present state of efficiency without using the stopwatch or some other equivalent time-measuring device.

Gen. CROZIER. When the amendment carrying similar legislation to that which is now proposed, was added to the Army bill last year in order to let the employees see what the effect would be, I gave it by order the same effect it would have if it became a law. I thereupon received a petition signed by several hundred employees of the Frankford Arsenal where the premium payments were made, asking that my action be withdrawn. A part of the petition is as follows:

PETITION OF EMPLOYEES.

FRANKFORD ARSENAL, *January 28, 1915.*

CHIEF OF ORDNANCE, *United States Army:*

I believe that this system (referring to the premium system) has been eminently successful because, according to published reports the manufacture of small-arms ammunition at the Frankford Arsenal presents a decided economy when compared with costs of the same ammunition procured from private manufactures. Many of us, based upon the premium system of competition, have obligated ourselves to pur-

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chase homes, and if the premium rates are abolished, it means the loss of our homes to us

It is very probable that branch of Congress which passed this legislation has in view the interests of the employees, but we beg to differ on this very point. While the legislation prohibits rewarding us for our increased efforts which we give the Government, it does not prohibit an officer or foreman from requiring us to work just as hard as we are now working and for very much less compensation.

The power of your authority, and that of your officers and your foremen to make us work harder, has not been lessened by this legislation, but you have been deprived of the opportunity of paying us for such increased work as you may give to us.

We therefore ask you to submit this petition to the Secretary of War with the recommendation that he transmit it to Congress for consideration and, we hope, favorable action.

Signed by several hundred workmen. (Hearings, p. 163.)

About March 8 premium payments were restored at the Frankford Arsenal. Maj. Shinkle, who was in charge of the cartridge branch of the arsenal, wrote to Gen. Crozier as follows:

DEAR GENERAL: When your restoration of premium payments was announced in the cartridge factory there was a complete change in the whole atmosphere of the building. Pessimism gave way to optimism, dissatisfaction to complete contentment.

There never was a better illustration of the fact that the premium system, when administered in the interests of the employees, is one of the greatest stimulus for the moral, physical and financial well-being of the employees, etc. (Hearings, p. 185.)

TIME FIXED FOR WORK.

Gen. Crozier stated before the Labor Committee, that in making a time study of a piece of work with a stop watch, the time in which a piece of work can reasonably be expected to be done is ascertained.

It is not the fastest time which can be made by the most capable men. The standard time is determined by timing the work done by a good workman, and then added to that very considerable allowance of time, often as much as two-thirds, to get the standard time which workers are expected to attain, and for attaining which they are given a very considerable premium or bonus, and for measurably approaching it they are given some premium or bonus with the commendation which goes with a premium or bonus.

As to the effect of the use of the time-watch and premium system at the Watertown Arsenal, Gen. Crozier states:

I have made to me every month a statement of all employees who have during that month worked for any part of the time under the premium system. Here is the statement for the month of January, 1916. From this statement it appears that the total number of employees who worked on premium jobs at that time during that month, was 302 out of the 600 employees at the arsenal. Running down along the list of laborers, I take the name of C. J. Sullivan, an employee. He has a total pay at his day rate during the month of January of $51.41. He made in addition, premiums during that month $13.48. S. O. Brown, a $2-a-day laborer, whose pay under his day rate compensation was $52, made $14.75 extra in premiums. I may say that all of these men received as day wages at least $2 or $2.24, the minimum. These are the lowest-priced laborers.

Gen. Crozier attached to his testimony a list of the names on his pay roll for January, 1916, showing the amount of wages and premiums received. (See Hearings, pp. 147, 148, 149.)

This shows that 23 per cent of the work done was under the premium system, and the average premium amounted to 33.42 per cent of their total pay under the day-rate system; that is, those who work on premium jobs on the average increased their pay while so working by 33.42 per cent.

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Richard A. Feiss, of Cleveland, a very successful manufacturer of clothing, and who employs 800 workers, testified before the Committee on Labor.

Mr. Feiss, by the use of the premium and time study system, has been able to give his employees a seven-hour working day. He produced before the committee a great many letters from the employees commending his system in the highest possible terms. He stated that he was able to reduce the hours of labor and keep his output up to its former standards by the aid of thorough investigations of his research department, by time study with stop watch and other time methods.

Mr. Feiss states:

We were forced to devise methods by scientific investigation, and the use of every possible instrument that that investigation could bring for its purposes, and in most every case we had to use some kind of time-measuring device, and you can not get away from that. Absolutely your services are measured in time. Your salary, my salary, whatever we do in life is measured as time, and the more accurately we can measure the time the more we are getting down to brass tacks. We are forced to use a time-measuring instrument, because our employees insisted when it came to the question of paying, or knowing what was the time consumed. I do not care whether you pay piece rate, day rate, or anything else, you have got to have the element of time. What you buy is effort of a definite period of time. That is what you pay for. The reward is for the time spent and the kind of effort.

Dr. William Kent, of Montclair, N. J., author of several books on scientific management, among them being Investigating an Industry, The Mechanical Engineers' Pocketbook, and The Consulting Engineer, of which over 100,000 have been sold, and who has been an employee, a superintendent of a department, general manager, and salesman, recommends the time study and premium or bonus system.

Henry R. Towne, of the Yale & Towne Manufacturing Co., located at Stamford, which employs over 5,000 people, has been a manufacturer for over 45 years, most of which time he has been a student of the subject of efficiency and production. He says:

The three great components of cost are labor, material, and overhead or expense account. Under the old system of piecework, as it began to supersede the simple day work, the adjustment of piece rates was a constant source of friction and of injustice either on one side or the other, because the rates had to be based originally on guesswork in the absence of recorded data. Under that system the inevitable tendency of the workman, if he found that his piecework was an easy one at which, if he let himself go to his full limit, he could largely increase his earnings, he had before him the apprehension that thereupon the employer would cut his piece rate, as was done repeatedly, and in many cases justly. So that there was a clash or conflict of interest between the two parties to the transaction.

Under the new system a time study is made, sometimes by the employer and employee together, and sometimes by the employer alone, for the first purpose of elimination of lost and waste motion, and to see whether the operation involves unnecessary and extreme human effort, in order thereby to determine ultimately what is the best and easiest way of accomplishing that particular operation and the time in which it can be comfortably done, and thereby fixing the piecework on a basis, time one factor, and the other factor rate of wages per hour which that class of operatives are fairly entitled to at the current rate.

Mr. Towne further says:

In most of the shops where scientific management is in use, the piece rates, once ascertained in this accurate way, are announced to be permanent to the operatives, and they are encouraged and go ahead and make what wages they can, or what wages they please at these rates, with the certainty that they are not going to be penalized if they succeed in making large wages.

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STOP WATCH.

Mr. Towne, on the stop-watch system, says:

It has been implied here that the use of the stop watch consists necessarily and always with the manufacturer standing with his watch in hand alongside the operator, and timing him as to this or that operation. This is done, it is true, where the operation, for example, is the operation of a paper machine, a machine costing sixty or eighty thousand dollars, and where work of experiment or investigation must be made on the machine, but the smaller operations are made in the experimental room by those familiar with the art and industry.

Mr. Towne says:

The operatives in many of the plants where scientific management is in practice are constantly beseeching the management to put the stop watch on their work in order to bring it under the new system and give them the benefits of it. (Hearings, p. 21.)

That without this system when a new job is taken in, and in most lines of business, and especially in the metal trades, new products are constantly being added or new work being done for the customers, and under the old methods there was no plan except pure guesswork to establish the rate to be paid for the labor involved, whereas to-day, by reason of these trained experts I have just referred to, it has been found perfectly feasible and is constantly being done to take the new product and analyze it and determine from experts and methods the time required for the operation in making it, thereby establishing the correct price to be paid in making it from the start.

Mr. Towne further says:

As to the operation in the Government plant at Watertown, I am fairly competent to speak because those operations are fairly parallel with those in my industries and others I am familiar with. The effect of this law would be to permit inefficiency in the United States service. Here we are, to-day, with most of the world in a whirlwind of gigantic war, with the certainty that if we should be involved we will need every ounce of national efficiency of every kind, and that whatever may be the result of the war politically, there is going to be an economic revolution afterwards which will sweep the whole world in its influence and concerning which we do not yet know and can not yet foresee the effect upon the country, except to be very sure that anything we may do in the way of increased efficiency is going to stand us in good stead and probably will be needed badly. In the face of all these facts, to pass a law penalizing a system which overwhelmingly, as testified to, stands for efficiency, for economy, for better reward to labor and higher production from labor, and from machines, would be not merely to stop the wheels of progress but to set them spinning backward. You can not have any fair and just payment of compensation for labor which shall be fair to the laborer and to the employee without the element of time being fundamental. It makes no difference what kind of instrument you use to measure time. I do not care whether it is a clock, a stop watch, an hour glass, or anything else. (Hearings, pp. 30 to 35.)

Willis B. Richards, representing Gunn, Richards & Co., is a production engineer, a public accountant, and sometimes a cost expert.

Mr. Richards was one of the four advisors of the Bureau of Economy and Efficiency created by Mr. Taft. Dr. Cleveland, the head of the bureau, had an advisory committee of four that spent some time going over the Government departments with a view to making them more efficient.

Mr. Richards testified that to legislate against the premium and bonus system of paying labor, is to legislate against the opportunity of a working man forming a sort of partnership in connection with his work. It is less complicated than profit sharing. A premium is given a man to stimulate his intelligence and generally aiding him in the

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work he can do and reward him for his intelligence and industry. The idea that it is going to work him beyond endurance, I think, is fallacious. It offers him a reward to greater activity and greater industry, but it does not by any chance monopolize the opportunity of driving a man. You can do it just exactly the same with day wages as you can with any premium plan or bonus system. Sometimes you can get your cost from the records of the company over a period of six months or a year. If you can not do that, you have to study the operations and find out what the costs are. That is essential in establishing any premium plan or bonus or piece work system. A manager can not do business without knowing accurately his costs. A time-study device of some kind is essential in getting information to accurately ascertain the costs.

The bonus system is based generally on the theory that a certain limit of work is established and the man paid a certain reward for accomplishing that task. If he does not accomplish the standard set for the bonus, no matter if he falls a very little short of it, he does not get the bonus.

The premium plan is based on the theory that a man is getting a day's wages anyway for working in the shop. Anything he can do beyond what has been set as the accomplishment for the day's wages he is given a premium for; generally it is greater pro rata than the work he has been accomplishing in the previous time for his day's wages. (Hearings, pp. 272–273.)

Charles A. Howard, an efficiency expert, says:

The premium and bonus system offers opportunities, perhaps, for the unscrupulous manufacturer to commit abuses, but the same result could be obtained on plain daywork. I have been in a great many factories, and the factory which is driven the hardest of any factory I have ever been in employs no piecework, no bonus system, no premium system. It is a straight daywork. This factory pays a sufficient high rate of wages, daywork, so that everybody in the vicinity wants to work in that plant. They get the pick of the men, naturally. They lay out what they want them to do, and it is very excessive. They require them to do that, and the man that puts up an argument against it is discharged. The bonus system carried out to this extreme limit could not drive a man any more than by plain ordinary day work.

STOP WATCH.

The stop watch is used principally as a laboratory instrument. It is seldom used in the plant, standing over the workman timing him. The greatest use of the time watch is in taking the operation that is to be performed and making a laboratory study of it before setting the time for determining what will be a reasonable time in which to perform work. A time study is also extremely necessary in deciding upon the method to be used. Take, for instance, the case of planing a plane surface of iron or steel. There are four ways by which this may be done. It can be done on planer, on a milling machine, or on a surface grinder, or on a shaper. How is the manufacturer going to know which one is the best method to employ without experimenting on it in the laboratory? The method to be used varies with every kind of material and every different shape of article.

Unless you can take some time-measuring device and find out the time required, you can not determine the best method.

A watch is an instrument of precision. If you can not use such an instrument of precision, factories must be run on guesswork instead of on knowledge. Every factory is successful pretty well in proportion to what the management knows about the business, and not to what they guess about it in general. (Hearing, p. 298.)

Thomas A. Edison says:

In my opinion, the bill introduced by Congressman Tavenner is based on a fallacy. It is an attempt to prevent efficiency, and would be disastrous to labor and to the public.

The worst enemy of all workers is an inefficiently managed shop.

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PREVIOUS INVESTIGATIONS.

In March, 1912, an investigation of the Taylor system and its applicability to Government works was made by a committee of the House of Representatives, composed of W. B. Wilson, present Secretary of Labor, William C. Redfield; present Secretary of Commerce; and John Q. Tilson, Member of Congress.

The conclusions of the committee were as follows:

> Neither the Taylor system, nor any of the so-called systems of scientific management, have been in existence long enough for our committee to determine with accuracy their effect on the health and pay of the employees, and their effect on wages and labor cost. The conclusions we have arrived at are all based upon what is considered to be the logical sequence of the conditions existing or proposed. The selection of any system of shop management for the various Government works must be to a great extent a matter of administration, and our committee does not deem it advisable nor intelligent to make any recommendations for legislation upon the subject at this time.

The Committee on Industrial Relations has been quoted as condemning scientific management. The statement appearing in their report and found upon page 209 is presented as a part of the report of Basil M. Manly, Director of Research and Investigation.

This statement with respect to scientific management is signed by four of the commission. The majority of the commission, five in number, declared in the first lines of their report:

> We can not find ourselves able to agree to any of the findings or recommendations of the staff or any resolution based upon them, because they have not the criticism of employers, employees, and others affected by them which we consider indispensable in order that we may have before us assurances that they were correct and not chargeable with important omission.

However, the statement of Mr. Manly, representing a minority of the committee, is utterly irrelevant to this bill, as neither Mr. Manly nor the subcommittee of three make any reference to the operation of the time study or premium or bonus system in Government plants, which are the proposed subjects of this legislation.

TIME STUDY AND THE PREMIUM SYSTEM IS BEING USED VERY GENERALLY BY MANUFACTURERS.

A very large number of manufacturing establishments in all parts of the United States are using the time-study system and the premium or bonus system. These systems are working very satisfactorily to both the employers and employees, and I have failed to find a single case where the use of these systems has not materially increased the output, and also increased the wages of the employees.

I have not been able to find a single case where the employees have gone on a strike or even threatened a strike because these systems were in vogue.

On the contrary, I have the names of numerous employees in such institutions who speak in the highest terms of these systems.

I herewith give the statements of a number of manufacturing establishments, selected from different parts of the United States, as to the value of the time study and bonus or premium systems. They all use one or the both of these systems.

I have many more statements of a similar character which I have thought it not necessary to print.

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Tabor Manufacturing Co., Philadelphia, Pa.—Records examined by Mr. Godfrey, now president of Drexel Institute, show 73 per cent increased wages and 25 per cent reduction in selling price.

Eastern Manufacturing Co., Bangor, Me., by Mr. F. R. Ayer, vice president and general manager.—Workers more satisfied; weekly earnings for employees increased 25 to 50 per cent; hours reduced from 10 to 9; increase in output, 20 to 75 per cent; cost reduced 10 to 25 per cent; quality of product improved.

Lewiston Bleachery & Dye Works, Lewiston, Me., by Mr. D. N. Bates, agent.—Wages increased 25 per cent; rest periods given to workers; women quit work one-half hour earlier than men; accidents decreased; output increased by improved machine and methods, about 60 per cent; by training operators and bonus, 40 per cent; cost reduced about 40 per cent; workers anxious for a bonus.

H. H. Franklin Manufacturing Co., Syracuse, N. Y., by Mr. G. D. Babcock, product manager.—Increase in wages, 36 per cent—20 per cent above average wage in locality; hours reduced to 50 per week; reduction in sale price of our product for improved quality, 32 per cent.

Hermann, Aukan & Co., Lebanon, Pa., by Mr. D. J. Walsh, jr.—Labor turnover reduced; sanitary conditions improved; increase of wages of 25 to 75 per cent; increase in production, 150 per cent, largely through the combination of planning and bonus incentive; direct cost of production somewhat reduced; quality bettered. The operators in one department requested that bonus work be established in their department, so as to give them a chance to earn as high wages as the operators now on bonus.

Smith & Furbush Machine Co., Philadelphia, Pa., by C. W. Schwartz, jr., general manager.—Twenty to twenty-five per cent premiums earned; output increased; gross cost, including expenses, about the same with much greater uniformity of cost and more accurate cost in detail; quality better; scolding eliminated.

Packard Motor Car Co., Detroit, Mich., by S. S. Beall, vice president of manufacturing.—Happiness increased; have been requested by men to set standard times; average premium, 27 per cent of day wages; hours of labor shortened by premium system; output increased; quality of products maintained.

Knox Motors Co., Springfield, Mass., by F. E. Doolittle, superintendent.—Happiness of operators greatly increased; better physical and mental condition; more work accomplished in eight hours under bonus system than in nine hours on straight time; output greatly increased; cost considerably cheaper; quality equally good.

Acme Wire Co., New Haven, Conn., by Ralph W. Langley, works manager.—Wages of employees increased 25 per cent; records prove no increase in accidents; no injury to health; output increased 25 to 50 per cent; cost diminished; quality of product improved; bonus earnings frequently deposited in savings bank.

Plimpton Press, Norwood, Mass., by A. E. Barter, superintendent.—Workers happier through the setting of definite tasks; health improved and accidents decreased; wages increased 20 to 30 per cent, with average wage increased much more than this through the more continuous employment, which is a direct result of time study; capacity of plant increased; standard of quality improved rather than lowered.

New England Butt Co., Providence, R. I., by J. G. Aldrich, president.—Employees anxious to have time studies made; accidents less; wages at least 35 per cent higher; output considerably more on work which has been time studied; cost of product considerably less; quality of product is in general better under time-studied work.

Sewell-Clapp Envelope Co., Chicago, Ill., by R. B. Frazer.—Wages based on time study increased 15 to 25 per cent; hours of labor planned to be reduced; increase in output up to 100 per cent. In a recent offer of special preferred stock the first purchasers were men who were working on bonuses.

Waverley Press, Baltimore, Md., by Edward B. Passano, president.—Increase in production 33⅓ per cent; operatives earning 33 to 50 per cent more; apparently satisfied and in good health.

Clothcraft Shops, Cleveland, Ohio, by Richard A. Feiss, general manager.—Happiness improved; health of workers improved, as shown specifically by average of absentees only 1.4 per cent; accidents formerly quite numerous reduced to practically nothing; wages largely increased; hours of labor reduced from 54 to 48 and overtime practically eliminated; output increased; cost substantially lessened, although wages enormously increased; accurate standards of quality have been set through stop-watch observations.

Eaton, Crane & Pike Co., by William N. Eaton, secretary and treasurer.—Increase in wages 15 per cent; hours reduced 10 per cent; greater confidence because employee knows task set by scientific study of methods and time is accurate; health benefited through the shorter hours; greater ease in doing work; rest periods and greater happiness because of wage increase; accidents decreased materially; output increased 22 per cent; quality of product improved.

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Dr. H. S. Person, director of the Amos Tuck School of Administration and Finances of Dartmouth College, Hanover, N. H., writes as follows:

I have never been in charge of an industrial plant, nor have I practiced management engineering, therefore what I have to say is not based upon that sort of experience. I have, however, in order to acquaint myself with scientific management for the purpose of instruction, visited many plants, talked with workmen, and made observations particularly with respect to the effect of scientific management upon the workman. My conclusions are as follows, with respect to the Taylor System of management in which is used the stop-watch for time study and in which is applied some form of premium of bonus wage payment.

The happiness of the worker is greater than under conventional management.

The health of the worker seems to average better than under conventional management.

The statistical record of accidents shows that they are less under the Taylor system of management.

Wages are greater for a given expenditure of time and energy.

Hours of labor vary in different plants according to the industry, but for any given industry seem to be less than for the average of that industry.

The output is greater per hour of application of labor.

The unit cost of the product is less than under conventional management.

The quality of product is better than under conventional forms of management, for the reason that its method of inspection eliminates defective work.

Anna Curren, Eastern Manufacturing Co., Bangor, Me., says:

From a general consideration of everything, I think scientific management has done much for this concern and has made everything around and in the mill 100 per cent better.

FREDERICK W. TAYLOR AND HIS SYSTEM.

While only two principles of the Taylor system are involved in this bill, the time study and the bonus or premium system, in view of much unjust criticism of Mr. Taylor and his system I wish to quote briefly from tributes paid to his memory at his death by high authorities.

The Engineering Magazine of May, 1915, said of Frederick Taylor:

One of the world's discoverers and creative leaders has closed his career. The world is greatly enriched by what his genius accomplished. The world is grateful that he lived and for what he did.

Henry R. Towne, of the Yale & Towne Manufacturing Co., said of Mr. Taylor:

Among the names of those who have led the greatest advances of the industrial arts during the past 30 years that of Frederick Winslow Taylor will hold increasingly a high place. He has been the creator of a new science which underlies and will benefit all others by greatly increasing their efficiency and augmenting their productivity. He is assured of a place among the world's leaders in the industrial arts.

Ray Stannard Baker, in Harper's Weekly of May 22, 1915, says of Mr. Taylor:

It was his clear perception of the tragic wastefulness of human energy in modern industry that lay soundly at the basis of the work of that remarkable scientist and inventor, Frederick Winslow Taylor, who has just died in Philadelphia at the age of 59.

Thirty-nine years ago Mr. Taylor began work as an apprentice in a Philadelphia machine shop and served through all the successive stages—skilled machinist, boss, and foreman—until he became chief engineer of the great works of the Midvale Steel Co. Mr. Taylor sets down the following elements of scientific management:

"Science, not rule of thumb.

"Harmony, not discord.

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"Cooperation, not individualism.
"Maximum output in place of restricted output.
"The development of each man to his greatest efficiency and prosperity."

And he thus expressed his vision of the future of industry, and, as he indeed believed, the future of science and art:

The time is coming when all great things will be done by that type of cooperation in which each man performs the function for which he is best suited, each man preserves his own individuality and in his particular function, and each man at the same time loses none of his originality and proper personal initiative, and yet is controlled by and must work harmoniously with many other men.

Mr. Baker says:

But Mr. Taylor's system, or something closely resembling it, must increasingly become the basic method of controlling industry. The moment competition disappears in any branch of human activity the need of a new scientific basis for measuring values becomes imminent. The especial difficulty in all Government work to-day is the absence of standards. No one knows how much work a man should do, or how he should do it most efficiently, or what should be the fair relationship between a given task and the compensation paid for it. It is not without significance that few managers have seized upon the Taylor system with such alacrity and satisfaction as the able engineers in control of Government arsenals and navy yards.

EDWARD E. BROWNE.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 699.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

MAY 17, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 9216.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9216) to amend sections 2, 3, 4, and 5 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, having considered the same, report thereon with amendments, and as so amended recommend that it pass.

Amend the bill as follows:

Page 2, line 16, after the word "stations," insert a comma and the words "continuously operated night and day."

Page 2, line 18, strike out the words "of more than two cars."

Page 2, line 23, strike out the word "again" and insert same after the word "duty," same page and line.

Page 3, line 3, strike out the word "branch."

Page 3, line 5, strike out the word "branch."

Page 3, line 25, strike out the words "to train and engine employees."

Page 4, line 14, correct the spelling of the word "violation."

Amend section 5 to read as follows:

SEC. 5. That this act shall take effect six months from and after its approval.

Extensive hearings have been had on this bill, both by the railroads and employees, at this session of Congress, and also in the Sixty-second Congress, when the same subject was under consideration, and in each instance your committee came to the same conclusion. It is proper here to say that in the Sixty-second Congress the bill then under consideration, after having been reported favorably by the committee, on account of the congested condition of business on the calendar previously reported, no opportunity was afforded for action by the House on the question.

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THE HOURS-OF-SERVICE ACT.

The hours-of-service act, as it is commonly called, applies to two classes of railway employees: Employees who move trains, such as engine and train men, etc., and employees who direct the movement of trains, such as train dispatchers, operators, towermen, lever men, telephoners, and interlocking-switch men, etc.

Provision is made for both classes of employees in section 2 of the original act, the provision relating to train dispatchers and operators, etc., being found in the proviso inserted therein during the course of the passage of the act through the Fifty-ninth Congress. The part of the section relating to engine and train men is not affected by the pending bill; therefore reference will be made only to the proviso which affects train dispatchers, telegraph operators, etc.

Under the provisions of the law as it now stands, operators in day offices may be worked a period of 13 hours in each 24 hours, and in day and night offices a period of 9 hours in 24 hours. Either of these classes may be worked 4 additional hours per day on not exceeding 3 days per week. Owing to the failure of Congress in the enactment of the law to make consecutive the hours on and off duty of these employees, as was done in the case of the engine and train men, many railways divided the daily period of labor into two shifts so that, for instance, an operator may be on duty 6 hours, then off 3 hours, then on again 3 hours. Instances of divisions of its shifts might be multiplied indefinitely, whereby the purpose of the law has been thus evaded. This practice was upheld by the Supreme Court of the United States in the case of the United States *v.* The Atchison, Topeka & Santa Fe Railway Co. (220 U. S., 37). The opinion in that case is brief and so clearly illustrates the point under consideration it is herewith submitted:

This is an action to recover penalties for violation of the "act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," March 4, 1907 (ch. 2939, secs. 2, 3; 34 Stat., 1415, 1416). The Government had a verdict in the district court, subject to exceptions, and the judgment was reversed by the circuit court of appeals (177 Fed. Rep., 114; 100 C. C. A., 534).

The case is this: By section 2 it is made unlawful for common carriers subject to the act to permit any employee subject to the act to be on duty "for a longer period than 16 consecutive hours," or after that period to go on duty again until he has had at least 10 consecutive hours off duty or 8 hours after 16 hours' work in the aggregate: *Provided*, That no telegraph operator and the like shall be permitted to be "on duty for a longer period than 9 hours in any 24-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than 13 hours in all towers, offices, places, and stations operated only during the daytime," with immaterial exceptions. By section 3 there is a penalty of not exceeding $500 for each violation of section 2. The defendant was subject to the act. It had a station and telegraph office at Corwith, in the outer limits of Chicago, which was shut from 12 to 3 by day and by night but open the rest of the time. The Government contends that this was a place "continuously operated night and day." At this station the same telegraph operator was employed from half past 6 o'clock in the morning until 12, and again from 3 p. m. to half past 6, or 9 hours, in all, of actual work. The Government contends that when 9 hours have passed from the moment of beginning work the statute allows no more labor within 24 hours from the same time, even though the 9 hours have not all of them been spent in work. According to the Government's argument the operator's nine hours expired at half past 3 in the afternoon. These questions on the construction of the statute are the only ones that we have to decide.

We are of opinion that the Government's argument can not be sustained, even if it be conceded that Corwith was a place continuously operated night and day, as there are strong reasons for admitting. The antithesis is between places continuously

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operated night and day and places operated only during the daytime. We think that the Government is right in saying that the proviso is meant to deal with all offices, and if so, we should go farther than otherwise we might in holding offices not operated only during the daytime as falling under the other head. A trifling interruption would not be considered, and it is possible that even three hours by night and three hours by day would not exclude the office from all operation of the law, and to that extent defeat what we believe was its intent.

But, if we concede the Government's first proposition, it is impossible to extract the requirement of 15 hours' continuous leisure from the words of the statute by grammatical construction alone. The proviso does not say 9 "consecutive" hours, as was said in the earlier part of the section, and if it had said so, or even "for a longer period than a period of 9 consecutive hours," still the defendant's conduct would not have contravened the literal meaning of the words. A man employed for 6 hours and then, after an interval, for 3 in the same 24 is not employed for a longer period than 9 consecutive hours. Indeed, the word consecutive was struck out when the bill was under discussion on the suggestion that otherwise a man might be worked for a second 9 hours after an interval of half an hour. In order to bring about the effect contended for, it would have been necessary to add, as the section does add in the earlier part, a provision for the required number of consecutive hours off duty. The presence of such a provision in the one part and its absence in the other is an argument against reading it as implied. The Government suggests that if it is not implied, a man might be set to work for 2 hours on and 2 hours off alternately. This hardly is a practical suggestion. We see no reason to suppose that Congress meant more than it said. On the contrary, the reason for striking out the word consecutive in the proviso given, as we have mentioned, when the bill was under discussion and the alternative reference in section 2 to "16 hours in the aggregate" show that the obvious possibility of two periods of service in the same 24 hours was before the mind of Congress, and that there was no oversight in the choice of words.

Judgment of circuit court of appeals affirmed.

Other cases using this as a precedent have followed the principle enunciated by it.

It was clearly not the intent of Congress, by the enactment of this legislation, that the 9 and 13 hour days, with the privilege of making these 13 and 17 hour days on three days in each week, were to be still further extended in the manner shown above, and the object of the legislation defeated, but all doubt is removed by the proposed amendment, which provides that the hours, both on and off duty, shall be continuous.

While doubtless it is true that Congress, by the omission of the word "consecutive" in the proviso pertaining to telegraphers, etc., when it is contained in the provision relating to train and engine men, gives foundation for the contention of the Supreme Court that Congress intended that the operators' period of employment could be divided in the manner mentioned in the above decision.

By reverting to the history of the legislation it could be made to appear clearly this was not the intention of Congress by the passage of the law. However, sometimes the law as written does not fully express the intention of the law-making body, and in this instance we have a very impressive example as an illustration of this fact.

The practice complained of which has been a great source of friction between employers and employees will not be permissible under the proposed amendment, and will produce harmony in this great field of important industry.

The proposed law establishes a straight eight-hour day in all offices operated continuously night and day. Many employees are affected by the hours-of-service act, approximately more than one half of whom are already, by the regulations of the railway companies, or by agreement between the companies and their employees, on the eight-hour basis, and it is not disputed that the great majority of the remainder enjoy shorter hours of labor than provided by law.

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Thus the employers in many great industrial enterprises realize the value of cooperation in this important matter in order that better and more efficient service may be secured, especially in this great department of service; so that the enactment of the eight-hour day law is only applying the standard to all employees performing substantially the same highly important and responsible duty.

Such a humanitarian doctrine is highly essential to the faithful and efficient performance of the duties involved in the great railroad service of the country; and in order to secure uniformity of the eight-hour-a-day service, roads not now having it will be required under the amendment to establish it.

The provisos in the existing and the proposed measures are, in order to clearly indicate the changes, here set out:

THE EXISTING PROVISO.

Provided, That no operator, train dispatcher, or other employee who, by the use of the telegraph or telephone, dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week.

THE PENDING PROVISO.

Provided, That no employee who, by the use of the telegraph or telephone or other electrical device, dispatches, reports, transmits, receives, or delivers orders, or who from towers, offices, places, and stations continuously operated night and day, operates signals or switches or similar mechanical devices controlling, pertaining to, or affecting the movements of trains shall be required or permitted to be or remain on duty in any twenty-four-hour period for a longer period than eight hours, which period of eight hours shall be wholly within the limits of a continuous shift, and upon the completion of which period such employee shall not be required or permitted to go on duty again until the expiration of sixteen hours. This proviso shall not apply to employees who in case of collisions, derailments, slides, washouts, or personal injuries use the telephone to obtain orders, instructions, or information regarding the movement of trains; nor shall it apply to lines of railroads where there is not to exceed two passenger trains daily; on such lines the hours of service may be extended to ten hours in each twenty-four-hour period.

Inventions and improvements for train control and operation multiply so rapidly that much of this work is done by means of devices which are not used in connection with the telegraph or the telephone and some roads are using devices which are not used or even known to other roads. Men in towers operate levers in many instances on oral orders. It matters not how such orders are received or transmitted, men in such highly responsible positions, so all absorbing, should not be required to be on duty more than 8 hours out of any 24. Manifestly they should be on the eight-hour basis.

In this day and age when human ingenuity is taxed as never before by invention in order to attain a higher degree or efficiency the best a man has in him is taxed to its limit in every human endeavor. He can not meet the requirements expected of him if exhausted in muscle and brain by too severe application. Train accidents frequently are due to errors of dispatchers, operators, and signal men

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whose brain and muscles have been overtaxed by long hours on duty and want of rest. This demanded of Congress to undertake the regulation of the hours of employees in the first place to insure a higher degree of safety. Experience has clearly shown that because of the exacting duties of these employees, the great importance of the service rendered by them, upon the efficiency of which life and property are dependent, should while on duty be at their best, and should not be required to continue at the service until in any manner they become incapacitated. If the conductor of the train is required to use the instrument for the purpose of receiving and transmitting orders for the movement of trains, he then should come squarely under the provisions of the law. Safety of human life and security of property is involved and should not be placed in jeopardy, as both would be under such circumstances. Every instinct of humanity protests against it, and every precaution should be taken to avoid the peril which surely ensues under such conditions.

Station agents perform in many instances the duties of telegrapher, express agents, and the passenger and freight duties pertaining to their offices. With the multiplicity of their duties taxing their energies it will certainly not be seriously contended they are qualified for more than 8 hours' service out of any 24. To avoid the criticisms of the more contentious it is provided that it shall not apply to employees who, in case of collisions, derailments, slides, washouts, or personal injuries use the telephone to obtain orders, instructions, or information regarding the movement of trains, nor to lines of railroads where there are not more than two passenger trains daily. On such roads the hours of service may be extended to 10 hours out of any 24-hour period.

Section 3 fixes the minimum penalty at a fine of $100. This is a change from existing laws.

Section 4 makes it incumbent on the Interstate Commerce Commission to enforce the law, provides that nothing herein shall abate any violations of existing law or any actions pending thereunder at the time of the approval of this act.

Section 5 relates to the taking effect of the act.

The eight-hour shift is objected to by some because it is contended there necessarily would be some overlapping in the changing of shifts. This same objection was urged against the enactment of the 9-hour law, and the prophecies of evil then made fortunately did not materialize and will not, we indulge the hope, under this law. True it is time will be required of both the oncoming and outgoing shifts to make transfers, ready to take up the duties in order to avoid the discontinuance of the work, but this matter will adjust itself without friction or serious inconvenience without interrupting the work or imposing additional burdens.

Attention is called to the fact in support of our contention that the State of New York has an eight-hour law governing train dispatchers and no difficulties of this character arose under it. Men employed in that State adjusted this matter nicely, avoiding friction and unnecessary inconvenience. The matter will adjust itself here to this feature without disturbance or harm to either party, we have every reason to believe, and for such we confidently hope.

The best thought of the country is rapidly drifting to the adoption of the eight-hour day, because it is a movement of humanitarian

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concern, a step in the direction of efficiency, and an adjunct to better service—the preservation of the man who renders the service. In departments where it has been adopted and tried out, the wisdom of it has been vindicated and the reward for it both substantial and ample. It has proven a most valuable investment to the employer. In this time of rapid strides in every department of human endeavor, the supreme effort is to get the best man has in him. This can not be done from exhausted men, but only from fresh, vigorous men, and now when everything is operated at a tension hitherto unknown, there exists an imperative necessity for only the best qualified to handle and direct the movement of trains conveying precious lives and valuable property as they move to their destination at the high rate of speed now employed in transportation. Men employed in the service regulated by this law have in their keeping for the time being every person and all property transported, and upon their fitness must depend the safety of both, and hence the necessity of their fitness for the important work which they are required to perform and our interest in their welfare in order that safety may be assured.

The relations of each to the other are mutual and the welfare of one is a guaranty for the safety of the other.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 700.

NATIONAL PARK SERVICE.

MAY 17, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RAKER, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 15522.]

The Committee on the Public Lands, having had under consideration H. R. 8668 and H. R. 434, bills to establish a national park service, and for other purposes, recommend that H. R. 15522, which embodies the amendments adopted by the committee as a substitute for the bills H. R. 8668 and H. R. 434, do pass.

The bill H. R. 15522 is as follows:

A BILL To establish a national park service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the Department of the Interior a service to be called the national park service, which shall be under the charge of a director, who shall be appointed by the Secretary and who shall receive a salary of $5,000 per annum. There shall also be appointed by the Secretary the following assistants and other employees at the salaries designated: One assistant director, at $2,500 per annum; one chief clerk, at $2,000 per annum; one draftsman, at $1,800 per annum; one messenger, at $600 per annum; and, in addition thereto, such other employees as the Secretary of the Interior shall deem necessary: *Provided*, That not more than $8,100 annually shall be expended for salaries of experts, assistants, and employees within the District of Columbia not herein specifically enumerated unless previously authorized by law. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

SEC. 2. That the director shall, under the direction of the Secretary of the Interior have the supervision, management, and control of the several national parks and national monuments which are now under the jurisdiction of the Department of the Interior and the Department of Agriculture, and of the Hot Springs Reservation in the State of Arkansas, and of such other national parks and reservations of like character as may be hereafter created by Congress: *Provided*, That in the supervision,

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management, and control of national monuments situated within or contiguous to national forests the Secretary of Agriculture may cooperate with said national-park service to such extent as may be requested by the Secretary of the Interior.

SEC. 3. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the national-park service, and any violations of any of the rules and regulations authorized by this act shall be punished as provided for in section fifty of the act entitled "An act to codify and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, as amended by section six of the act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth United States Statutes at Large, page eight hundred and fifty-seven). He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding twenty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however*, That the Secretary of the Interior may, under such rules and regulations as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created.

SEC. 4. That all acts or parts of acts inconsistent herewith are hereby repealed: *Provided*, That nothing in this act contained shall affect or modify the provisions of the act approved February fifteenth, nineteen hundred and one, entitled "An act relating to rights of way through certain parts, reservations, and other public lands."

The bill (H. R. 15522) recommended for passage provides for a coherent organization in Washington and in the field of a service to the end that it shall "promote and regulate the use of the Federal areas known as national parks, monuments, and reservations by such means and measures as conform to the fundamental purpose of the aforesaid parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The growing appreciation of the national assets found in the national parks and monuments is evidenced by the vast increase of visitors. The great trend toward the parks means retaining in this country the millions expended by our tourists in foreign travel previously spent abroad. This economic value of the parks is only recently coming to be realized. It is a factor of importance, in addition to the benefits to our people in their outdoor education and exercise. With equal scenery we are lagging far behind the European countries, notably Switzerland, and are outclassed by the development of park travel and park use in Canada.

Notwithstanding the great extent and value of our park areas, there has not been, nor is there at present any organization sufficiently complete or adequate to handle the various administrative phases. The parks are now managed in the Department of the Interior by an assistant to the Secretary, whose work in this line is merely by assignment, and whose tenure of office is subject to the tenure of the Secretary of the Interior. The clerical force is collected from various

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employees in the department in accordance with their aptitude, but they are unable to devote all of their time to the specific tasks of this service.

There is a lack of flexibility in the field service, and the great work that is going on has been performed in a haphazard way. The success of recent efforts has been due largely to unexpected volunteer service, and to extra work by those already holding responsible and laborious positions. In this bill the committee in section 1 has specified the salaries as follows: Of the director, $5,000 per annum; an assistant director at $2,500 per annum; a chief clerk at $2,000 per annum; one draftsman at $1,800 per annum, and one messenger at $600 per annum; or a total of $11,900. It was brought out in the hearings that for the present, the needed office expense in Washington will amount approximately to $19,980.

Inasmuch as it would be impossible, without an experience derived from actual operation, to specify exactly the clerical force needed, the bill can only provide for a general fund for assistants other than those specifically named, bringing the total amount to be expended in Washington to $20,000 (or $8,100 in addition to specified salaries), which the committee regards as the least amount that can be considered adequate. The bill provides for turning over into the national-park service at the discretion of the Secretary, any or all of the field employees, and gives him the same latitude of appointment and control of the field force that he now has. Under the customs of the Appropriations Committee, specified amounts are annually appropriated for each of the several parks, based upon their several needs, and the bill neither adds to the present appointing power of the Secretary nor detracts therefrom, except as it provides for an office force in the District of Columbia, which is specifically limited in amount to total salaries of $20,000 per annum.

The bill provides for the management and improvement under the national park service of all the national parks and the national monuments which are now under the jurisdiction of the Department of the Interior and the Department of Agriculture, and includes the Hot Springs Reservation in the State of Arkansas, which is under the Department of the Interior.

It was the unanimous opinion of the committee that there should not be any conflict of jurisdiction as between the departments of such a nature as might interfere with the organization and operation of the national parks, which are set apart for the public enjoyment and entertainment, as against those reservations specifically created for the conservation of the natural resources of timber and other national assets, and devoted strictly to utilitarian purposes, in the vastly greater areas, known as national forests.

The segregation of national-park areas necessarily involves the question of the preservation of nature as it exists, and the enjoyment of park privileges requires the development of adequate and moderate-priced transportation and hotel facilities. In the national forests there must always be kept in mind as primary objects and purposes the utilitarian use of land, of water, and of timber, as contributing to the wealth of all the people.

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The Secretary of Agriculture expresses the opinion that certain of the smaller monuments situated in the national forests should be maintained under Forest Service, until such time as they may become objects of large public interest, and public attraction; to meet which suggestion provision has been made in the bill for due cooperation between the two departments, subject always to request for assistance of the Forest Service by the Secretary of the Interior, with whom properly lies jurisdiction over the parks and monuments.

The Secretary of Agriculture in his letter of May 16, 1916, practically indorses this contention in his statement, as follows:

> Unquestionably, the Grand Canyon should be established as a national park and placed under the direct administration of the national-park service. Such a plan and measure would meet with the department's earnest approval. In addition, the Mount Olympus National Monument, which is the only other monument under the administration of this department embracing any considerable area, should be given careful consideration as a possible national park, and if not included in such park by congressional action, should be restored to its original status as national forest land. If it should eventually be found desirable to transfer to the park service any of the other nine national monuments in the national forests, this may be accomplished at any time for any particular area by the issuance of a presidential proclamation vacating the national forest withdrawal in so far as it covered the national-monument area. This would have the effect of transferring jurisdiction to the national-park service.

In these words, the Secretary of Agriculture has specifically stated that the time may come when, in his opinion, jurisdiction over all monuments as well as parks should be transferred to the proposed park service under the Interior Department. The unanimous opinion of the Committee on the Public Lands is to the effect that this time has already come, and we respectfully submit that the bill herewith reported provides for all proper and needed cooperation between the departments as is suggested by both Secretaries.

No provision is made for transferring to the care of the proposed park service the two national monuments now administered by the War Department. First, the Big Horn battle field has merely historical interest. There are 5 acres of ordinary rough country set aside in commemoration of the Custer massacre, and second, the Cabrillo monument in California, consisting of 1 acre, was donated to the Government by a private individual as a memorial to the explorer. Neither of these monuments possesses features that are liable to be destroyed, and as they are no burden upon the War Department, the committee believes that it would be best to leave them in their present situation.

Section 3 gives the Secretary of the Interior authority to make and publish rules and regulations, and also refers to the act of March 4, 1909, as amended by section 6 of the act of June 25, 1910, which states the penalties to be visited upon those who injure or deface the parks and monuments.

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The growing popularity of the parks is evidenced by figures showing the visitors in the year 1915, as follows:

Visitors to national parks, 1908 to 1915.

Name of park.	1908	1909	1910	1911	1912	1913	1914	1915
Yellowstone National Park	19,542	32,545	19,575	28,054	22,970	24,929	20,250	51,886
Yosemite National Park	8,850	13,182	13,619	12,530	10,884	13,735	15,145	33,452
Sequoia National Park	1,251	854	2,407	3,114	2,923	3,823	4,667	7,647
General Grant National Park	1,773	798	1,178	2,160	2,240	2,756	3,735	10,528
Mount Rainier National Park	3,511	5,968	8,000	10,306	8,946	13,501	15,038	35,166
Mesa Verde National Park	80	165	250	206	230	280	502	663
Crater Lake National Park	5,275	4,171	5,000	4,500	5,235	6,253	7,096	11,371
Wind Cave National Park	3,171	3,216	3,387	3,887	3,199	3,988	3,592	2,817
Platt National Park	26,000	25,000	25,000	30,000	31,000	35,000	30,000	20,000
Sullys Hill National Park	250	190	190	200	200	300	500	1,000
Hot Springs Reservation	.....	.....	120,000	130,000	135,000	135,000	125,000	115,000
Glacier National Park	.....	.....	.....	4,000	6,257	12,138	14,168	14,265
Rocky Mountain National Park	.....	.....	.....	.....	.....	.....	.....	31,000

In conclusion, the committee would reprint the last paragraph submitted by the Secretary of the Interior, which goes to the question of the expense of administration, and which the committee has every reason to accept:

It should be possible to administer these reservations along one general comprehensive line instead of having to deal with each separate reservation as an independent entity without any relation to any other reservation, which latter arrangement is, to my mind, unbusinesslike and inefficient. I have given this matter considerable thought, as has my assistant, who is particularly interested in and devoted to the promotion of our national parks and monuments, and it is believed that H. R. 15522 will obviate a great many of the difficulties we have encountered in the past in administering these reservations to the best advantage. It involves no additional expenditure by the Government, but, on the other hand, should effect economy.

The committee is of the opinion that plans now being carried out will tend more and more to make the parks self-sustaining, without extortion or unreasonable charge on the traveling public, merely by organization and control of the concessionaires. The subject of concessions is taken into account in section 3, where it is provided that the Secretary of the Interior may "grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding 20 years."

Under the terms of concessions already granted the public is insured good service and reasonable charges, and the revenues thus secured amounted in the aggregate for the year 1915 to $173,554.88.

The committee believes that through the organization and establishment of a park service we shall make our home country a place worthy of retaining our own tourists and securing others and that we shall also create a knowledge of the land we possess, which will develop a higher patriotism.

The bill H. R. 15522 as approved by the committees in place and stead of bills H. R. 434, by Mr. Raker, and H. R. 8668, by Mr. Kent, was submitted to Hon. Franklin K. Lane, Secretary of the Interior, for consideration and report, and thereafter on the 10th day of May, 1916, Hon. Franklin K. Lane, Secretary of the Interior, made report

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thereon to Hon. Scott Ferris, chairman Committee on the Public Lands, which report is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 10, 1916.

MY DEAR MR. FERRIS: I have your request for report upon H. R. 15522, "A bill to establish a national-park service, and for other purposes."

There are administered by this department 13 national parks, with a total area of over 4,600,000 acres, 19 national monuments, with an area of about 85,000 acres, and the Hot Springs Reservation in the State of Arkansas. These various reservations have been created from time to time under laws which are not uniform. For administrative purposes each of the reservations is a separate and distinct unit. This is so even to the extent that it is not possible under existing law to transfer a ranger from one part or monument to another, although such action might for various reasons be desirable or necessary.

The general administrative work, preparation of concession contracts, preparation of regulations governing the reservations, consideration of legal questions that arise, disbursement of money, etc., is handled by a few employees of the office of the chief clerk of the department, practically all of whom have other departmental duties to perform, making it impossible for them to devote more than part of their time to the work of considering the details of the administration of the national parks and monuments.

As your hearings on the matter of establishing a national-park service developed, the activities in the various parks have increased greatly in recent years, the number of our people visiting the parks being steadily on the increase. This, of course, has resulted in additional work to be done at Washington, and to such an extent that we have been hampered for lack of assistance here.

It should be possible to administer these reservations along one general comprehensive line instead of having to deal with each separate reservation as an independent entity without any relation to any other reservations, which latter arrangement is, to my mind, unbusinesslike and inefficient. I have given this matter considerable thought, as has my assistant, who is particularly interested in and devoted to the promotion of our national parks and monuments, and it is believed that H. R. 15522 will obviate a great many of the difficulties we have encountered in the past in administering these reservations to the best advantage. It involves no additional expenditure by the Government, but, on the other hand, should effect economy.

I therefore strongly urge upon your committee and upon Congress the pressing necessity for the early enactment of this legislation.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

The substitute bill adopted by the committee was referred by the Committee on the Public Lands to Hon. David F. Houston, Secretary of Agriculture, for consideration and report thereon to the committee, and thereafter, on the 16th day of May, 1916, Hon. David F. Houston, Secretary of Agriculture, submitted report to Hon. Scott Ferris, chairman Committee on the Public Lands, which report is as follows:

DEPARTMENT OF AGRICULTURE.
Washington, May 16, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. FERRIS: Receipt is acknowledged of a copy of H. R. 15522, "To establish a national park service," together with a request that this department submit a report thereon, with such suggestions and recommendations as it may desire to make.

This measure, it is understood, is proposed in lieu of H. R. 8668. This department is heartily in favor of the establishment of a national park service, and in its report of February 12 expressed itself favorable to such action. The report of the department on the previous bill expressed disapproval of the provision for a direct transfer to another department of such monuments as are now under national forest withdrawal and form a part of existing national forests. The report of the Secretary of the Interior on H. R. 8668 suggested an amendment consistent with the position of thi-

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department and which would meet the difficulties set forth in our previous report The report of the Secretary of the Interior on the former bill recommended as follows:

"After the word 'monuments' on line 12, page 1, insert 'now under the jurisdiction of the Department of the Interior and of.'"

In conformity with previous recommendation this department, therefore, will offer no objection to H. R. 8668 as amended by the Secretary of the Interior. Correspondingly the measure now before the department, H. R. 15522, would be in satisfactory form if amended by striking out the words, "and the Department of Agriculture," from lines 19 and 20, page 2, and inserting the word "such" after the word "of" in line 24, page 2.

It is the department's idea that eventually the national monument area remaining under the administration of this department will be greatly reduced. Unquestionably the Grand Canyon should be established as a national park and placed under the direct administration of the national park service. Such a plan and measure would meet with the department's earnest approval. In addition, the Mount Olympus national monument, which is the only other monument under the administration of this department embracing any considerable area, should be given careful consideration as a possible national park, and if not included in such park by congressional action, should be restored to its original status as national forest land. If it should eventually be found desirable to transfer to the park service any of the other nine national monuments in the national forests, this may be accomplished at any time for any particular area by the issuance of a presidential proclamation vacating the national forest withdrawal in so far as it covered the national monument area. This would have the effect of transferring jurisdiction to the national park service.

If amended as suggested above, this measure would have the very hearty indorsement of this department.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 712.

FRAUDULENT ADVERTISING IN THE DISTRICT OF COLUMBIA.

MAY 17, 1916.—Ordered to be printed.

Mr. JOHNSON of Kentucky, from the Committe of Conference, submitted the following

CONFERENCE REPORT.

[To accompany H. R. 10490.]

The conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia," having met, after a full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 1, and agree to the same with an amendment by also striking out the article "a" at the end of line 13, page 1, so that instead of only striking out the word "fraudulent" the part stricken out should be "a fraudulent".

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment. The Senate amendment numbered 2 adds the following language to the bill: *purchase any goods, wares or merchandise or anything of value or to.*

That amendment numbered 2, is amended by striking out the word "purchase" therefrom and inserting in lieu thereof the words *sell, barter or exchange.*

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4.

That the Senate recede from its amendment numbered 5.

BEN JOHNSON,
CARL VINSON,
WM. J. CARY,
Managers on the part of the House.

JOHN WALTER SMITH,
ATLEE POMERENE,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House relative to the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 10490, entitled "An act to prevent fraudulent advertisement in the District of Columbia," herewith submit the following statement concerning the result of the conference:

Relative to amendment numbered 1 the managers on the part of the House have to state that the said bill passed the House containing the language "a fraudulent intent to deceive, mislead, etc." The Senate struck out the word "fraudulent," being of the opinion that the words "deceive, mislead, etc.," were sufficient. The managers on the part of the House agreed to that amendment, but called attention to the fact that the article "a" which immediately precedes the word "fraudulent" should also be stricken out. The reason for striking out the article "a" is quite apparent upon reading the bill.

The original draft of the bill contained a clause relating to the "sale of goods, wares, or merchandise" as the result of fraudulent advertising. However, just before the bill was introduced some of its friends struck out that clause and the bill was introduced without it. When the bill was under consideration by the House it was conceded that the language should be restored, but at the moment when attention was called to this omission the section which should have contained it had been passed. It was then deemed advisable to permit the bill to pass in its then present shape and let the correction be made by the Senate. The attention of the Senate was duly invited to the omission referred to; but, by inadvertency, the word "purchased" was used instead of the word "sell." Then, in conference, it was deemed best not only to use the word "sell," but to use the three words, "sell, barter, or exchange"; so that the bill when thus amended reads, "with intent to sell, barter, or exchange any goods, wares, or merchandise, or anything of value, or to deceive, mislead, etc."

Amendment numbered 3 is the striking out of the second use of the word "fraudulent," the words "to deceive, mislead," etc., again being deemed sufficient.

Amendment numbered 4 is exactl similary to amendment numbered 3, and the word "fraudulent" was again stricken from the bill.

Senate amendment numbered 5 strikes from the House bill the words "for a valuable consideration." However, the Senate receded, and that language is restored.

That part of section 1 after the semicolon in line 9, page 2, wherein appear the words "for a valuable consideration" undertakes to create an offense where three persons figure in the transaction.

The first of the three is the one who makes the misrepresentations for another, and not for himself.

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The second of the three is the one to whom the misrepresentations are made.

The third of the three is the one for whose advantage the misrepresentations are made by the first of the three.

If the first of the three, by use of any of the means set out in the act, should induce the second of the three to use the services of the third and pay a fee or give a valuable consideration for those services, then the offense would be complete; but, upon the other hand, if no fee were charged or paid, or no valuable consideration passed, then there would be no offense, as the second party of the three would have suffered no wrong.

It is the intention of this provision in the bill to punish the act only in event some one is injured.

It is also sought to differentiate between the "capper" or "booster" for a falsely advertised business or alleged profession upon the one hand and the overzealous man or woman upon the other hand who, for instance, innocently writes a letter or in good faith gives a testimonial commending the "incorporated dental parlor" which claims that its employees, without the use of a drug, can painlessly extract teeth. Neither is it intended to punish the admiring, overconfident, and gullible friend of the "quack" who claims to be able to permanently cure all human ailments out of the same bottle or with the same pill.

However, it is hoped that the bogus claim agent and patent attorney, of whom there are many in Washington, may be compelled not only to stop his extravagant and untruthful advertising; but, at the same time, become unable to find "boosters" for his cheating game. Also, the "ambulance chaser" for some of the legal fraternity may find his occupation neither profitable nor agreeable if this bill becomes law.

BEN JOHNSON,
CARL VINSON,
WM. J. CARY,
Managers on the part of the House.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 713.

SALE OF SCHOOL PROPERTY AT DENVER, COLO.

MAY 18, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 217.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes, having had the same under consideration, beg leave to report it to the House with the recommendation that it be amended as follows:

Strike out the last word of line 6, page 2, and all of the remainder of the bill, and insert in lieu thereof the following:

to the extent the said school district shall make use of the said proceeds for purposes other than as limited herein, it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States District Court for the District of Colorado, which is hereby vested with jurisdiction in the premises.

And that as so amended the bill do pass.

The bill was referred to the Interior Department and the Secretary of the Interior has furnished the committee with the following favorable report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, February 29, 1916.

MY DEAR MR. FERRIS: I am in receipt of your request for report upon H. R. 217, a bill to authorize the sale of school property in the city of Denver, Colo., and for other purposes.

It appears that Congress, by act approved February 24, 1879 (20 Stat., 317), donated to the city of Denver, for school purposes, block No. 143. in the east division of the city, prescribing that there should be erected and maintained thereupon a public school building or buildings, under certain conditions as to use, etc., with the penalty of reversion in the event the city failed to comply with the terms of the act.

It is now represented to the department that this particular parcel of land is no longer useful or available to the city in connection with its system of public schools, and that the board of education desires authority which will permit it to dispose of the property and devote the proceeds to the purchase of land more suitably located and to the erection of school buildings thereon.

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The intent and purpose of the act having been to aid in the establishment of free public schools in the city of Denver, the department believes that that purpose would be better subserved, under present conditions, by the passage of this measure, which will permit of the acquirement of other lands better adapted to educational purposes. I have therefore to recommend the enactment of H. R. 217.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

In 1879, when Denver was a small place, the Government, wishing to encourage education in the then comparatively new West, and having at its disposal vast areas of land, some of which comprised vacant blocks in the Denver town site, and of little value, placed what was designated as block 143 at the disposal of Denver and its proper school officials for school purposes. At that early date the remarkable growth and development of Denver, since recognized as splendid and marvelous, was not so patent to the Congress, and in consequence it was thought to be wise to provide that other use or attempted alienation of the bestowed block of land should cause the same to revert to the Government.

In due time, and very early, considering the recent claim of Denver for a place in the sun, the city so increased in population, and educational matters received such favorable consideration, there was erected on this block one of the largest and best equipped high-school buildings in the whole country, and at an expense of more than $300,000.

But the city continued to grow, and, as earlier in its history, the education of its youth was the chief concern. Not only were other and many school buildings erected to meet the demand of the increasing population, but as expressive of its devotion to the cause of education, the district has constructed at greater expense even better and more commodious high-school buildings.

Block 143, when conditionally given to Denver for school purposes, was "far out." Then there were more residences between that block and the business center than there were beyond the block. Now the block is practically in the center of the city's activities, and is diagonally across the street from the new, handsome, and commodious marble Federal building.

The high-school building, while still used for high-school purposes, is no longer well located. There is every reason for the establishment of this particular portion of Denver's school plant at a more favorable point. Denver, through its school authorities, its mayor, other public officials, women's clubs, and civic societies, unitedly desires to be in position to alienate the block of ground referred to in the bill and make use of the proceeds for purchase of other site or sites for school purposes.

The bill amply protects the purpose of the Government in the limitation imposed in the original act, and your committee is impressed with the belief that to pass the bill would be in furtherance of the generous purposes of the Government.

The school board of the city of Denver have for some time past been carefully considering this matter and have made an official and

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concise statement upon this subject in the form of a memorial to Congress, which is as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialist, the board of education of school district No. 1, in the city and county of Denver and State of Colorado, respectfully represents:

That by an act of Congress approved February 24, 1879, and entitled "An act donating to the board of education of school district number one, Arapahoe County, Colorado, block numbered one hundred forty three in the east division of the city of Denver, Colorado, for common school purposes," the said block No. 143 was donated to the board of education of the said school district No. 1 for the purpose and upon the condition that there should be erected and maintained thereon a common school building.

That accordingly there was erected on the said block, at a cost of more than $300,000, a common-school building which has been used since that time for such purpose and is known as the East Denver High School.

That by an amendment to the constitution of the State of Colorado, known as article 20 of the said constitution, said school district No. 1, Arapahoe County, Colo., has been merged into school district No. 1, in the city and county of Denver and the State of Colorado, which latter corporation, by virtue of the said constitutional amendment, has become the owner of the above-described block of land; that at the time of the enactment of the aforesaid act of Congress the city of Denver had a population of about 25,000, and the said block of ground was most advantageously located in the residence portion of the said city for school purposes; that since the enactment of said act of Congress the city of Denver has increased its population to about 230,000.

That the said block of ground is by reason of the increase of population and growth of the city of Denver no longer advantageously or well located for school purposes; that the business district of the city of Denver has grown to and surrounded the said block of ground, while the center of the residence portion of that part of the city of Denver wherein the pupils attending the said East Denver High School reside is now about 2 miles distant from the said building; that within the last three years the new Federal post office and court building in the city of Denver has been erected on the block adjoining the above described block of ground at its corner and about 125 feet distant therefrom; that the said Federal building has just been completed and is ready for occupancy; that by reason of this fact, and the probable growth of Denver, it is expected that in the immediate future the said block of ground will become continuously less and less desirable for public-school purposes and more and more desirable for business purposes.

That for the aforesaid reasons your memorialist deems it wise and proper and for the best interests of the district that the location of the said East Denver High School be changed from the building now standing on the said block of ground to one more suitably located, by selling the above described block of ground and building, and with the proceeds thereof to purchase another site or sites for public schools.

Wherefore, your memorialist respectfully requests that the bill known at H. R. 217, entitled "A bill to authorize the sale of school property in the city of Denver, Colo., and for other purposes," be enacted into law.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted at a meeting of the board of education on February 10, 1916.

WM. E. STUTT, *Secretary.*

The Denver Chamber of Commerce, which was until recently the principal association of business men of the city of Denver, has heartily indorsed this measure in the following letter to Mr. Hilliard, the author of the bill:

DENVER, COLO., *February 3, 1916.*

Hon. BEN. C. HILLIARD,
United States Congress, Washington. D. C.

DEAR SIR: In regard to your inquiry pertaining to the East Denver High School and the reasons for its removal, etc., we would state that the school board of this district unanimously passed resolutions in 1914 asking Congress to give said board the right to sell, lease, or otherwise dispose of the present block known as the East Denver High School, for the reason that it is too centrally located in the business district to be a suitable place for the young men and women to go to daily for their education, it being surrounded by terraces, cheap boarding houses, rooming houses, etc., which

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are too alluring for the young and growing up of our city, and rendering the moral atmosphere anything else than desirable.

We have marked on the map the relationship of this high school to the site selected and now occupied by Denver's beautiful marble Federal building, and it will be seen that the high school property diagonally connects with the block occupied by the Federal departments. and the block selected for this Federal building was selected because of central convenience and easy accessibility to the business district of our city. At a glance it will be observed that the high school as at this time located is wholly out of the line of usefulness, and while the site was a desirable one in the year 1879 when Congress so graciously gave the block for educational purposes, progress in the growth of the city has been so great that while at the time of the gift we had 30,000 population, to-day the city has expanded to one of 250,000, so that it can readily be seen what has occurred to intervene between the usefulness at that time and the desirability at this. It would probably take a year or two, or perhaps several years, for the school board and our citizens to arrange a new building of ample usefulness elsewhere, but in the meantime Congress should settle the title absolutely in the board of education of school district No. 1, Denver, Colo., so as to permit the proper handling of this block of ground.

It can hardly be doubted that the school board had long and patiently considered all things and requirements in connection with this school and location before it adopted the resolutions which were placed in your hands to present to Congress, and it is sincerely hoped that you will use your influence and obtain the cooperation of our Senators and Congressmen to the end that the title may be fully quieted to enable the proper disposition of this block.

The grant to the school board was by public document No. 48, approved February 24, 1879, and is called, "An act donating to the board of education of school district No. 1, Arapahoe County, Colo., block 143, in east division of the city of Denver, Colo., for common school purposes, on the condition that the board of education shall cause to be erected thereon a public school building or buildings to be used solely for educational purposes, attendance at which shall be granted with equal rights and privileges, and free, to all of the children of Denver, etc., and the above conditions shall be binding forever, under the penalty of the reversion of said lands to the United States," so that it can be readily seen that the property is so entailed as to belong to the United States if not used as provided for in the grant—wholly for educational purposes.

It may well be known that the board of education would do nothing foolish in the disposing of this property when so empowered, for the citizens of Denver would not tolerate the willful dissipation of their children's heritage.

Very truly, yours,

THE DENVER CHAMBER OF COMMERCE.

Since the above indorsement by the Denver Chamber of Commerce, that association, together with practically all of the business men's organizations in the city of Denver, have associated themselves together under a new organization, known as the Denver Civic and Commercial Association. This consolidated association has likewise heartily indorsed this measure.

The mayor of the city of Denver has also indorsed this bill in the following letter:

CITY AND COUNTY OF DENVER,
Mayor's Office, April 8, 1916.

Hon. B. C. HILLIARD,
House of Representatives, Washington, D. C.

MY DEAR HILLIARD: I desire to indorse H. R. 217, introduced by yourself, for the sale of the East Denver High School site, in order to purchase land for the erection of a high-school building in a more desirable location in the city of Denver.

I believe that the proposition contained in your bill meets with the unanimous approval of the people of Denver, and I trust that the same will be passed.

Yours, respectfully,

W. H. SHARPLEY, *Mayor.*

The Woman's Club of Denver has also indorsed this measure, as is shown by the following letter from the president of that club:

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THE WOMAN'S CLUB OF DENVER,
Denver, Colo., May 2, 1916.

Congressman B. C. HILLIARD,
Washington, D. C.

MY DEAR MR. HILLIARD: The Woman's Club of Denver has long deplored the fact that the environment of East Denver High School has become such that it can no longer be considered an appropriate site for a school frequented by young people. We have therefore unanimously indorsed bill H. R. 217, providing for the sale of the East Denver High School site and are earnestly desirous of its passage.

Very sincerely, yours,

MABEL C. COSTIGAN,
President.

In view of the unanimity with which this measure is indorsed and the importance of it to the educational welfare of the city of Denver, your committee unanimously and urgently recommends the expeditious passage of this bill.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 714.

SPECIAL CANCELING DIE FOR POSTMASTER AT NEWARK, N. J.

MAY 18, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BLACK, from the Committee on the Post Office and Post Roads, submitted the following

REPORT.

[To accompany H. J. Res. 193.]

The Committee on the Post Office and Post Roads, to whom was referred House joint resolution No. 193 authorizing the Postmaster General of the United States to provide the postmaster at Newark, N. J., with a special canceling die for the Newark two hundred and fiftieth anniversary celebration, having considered the same, report it to the House with the recommendation that it do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 715.

SPECIAL CANCELING DIE FOR POSTMASTER AT SOUTHBRIDGE, MASS.

MAY 18, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BLACK, from the Committee on the Post Office and Post Roads, submitted the following

REPORT.

[To accompany H. J. Res. 203.]

The Committee on the Post Office and Post Roads, to whom was referred the House joint resolution No. 203, authorizing the Postmaster General of the United States to provide the postmaster at Southbridge, Mass., with a special canceling die for the Southbridge one hundredth anniversary celebration, having considered the same, report it to the House with the recommendation that it do pass.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 716.

CHANGE OF JUDICIAL DISTRICTS IN OKLAHOMA.

MAY 18, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. MORGAN of Oklahoma, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 14471.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 14471) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," begs to report the same back to the House with the recommendation that the bill do pass.

The proposed amendment makes one amendment to the Judicial Code, and only one, it being the change of the date July 1, 1910, to July 1, 1916. The act of March 3, 1911, prescribes the boundary lines between the eastern and western districts of Oklahoma, and provides that they shall be along county lines as the several counties appear on July 1, 1910. Subsequent to the enactment of this legislation, under a provision of the State constitution, the people in the eastern part of Caddo County voted to withdraw from that county and annex themselves to Grady County. This proceeding was regularly complied with and the changes in the county boundaries were made.

Therefore, as the law now stands, Grady County, as it originally stood, is in the eastern district, while the part added thereto from Caddo County is in the western district. This makes an awkward situation, and the members of the bar of Grady County have asked that this be changed. It only affects a small strip of territory; it is a desirable change to make from every viewpoint, and no objection from any source is known. Your committee is of the opinion that the legislation is proper from every viewpoint.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 721.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

May 18, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PAGE of North Carolina, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 15774.]

The Committee on Appropriations, in presenting the bill making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1917, submit the following in explanation thereof:

The estimates of the Commissioners of the District of Columbia, upon which the bill is based, will be found on pages 1061 to 1177 of the Book of Estimates, and, exclusive of the amount for the water service, aggregate $15,182,196.34.

The total amount recommended to be appropriated for the general expenses of the District of Columbia for the fiscal year 1917 in the bill submitted herewith, exclusive of the amount for the water service, is $11,631,907.34.

The amount similarly appropriated for the general expenses of the District of Columbia for the current fiscal year (1916), including $90,323 to cover deficiencies, is $11,662,752.45, or $30,845.11 more than is recommended in the accompanying bill for 1917.

The total reduction under the estimates submitted by the commissioners is $3,550,289.

The bill requires that the whole amount for general expenses shall be paid out of the revenues of the District of Columbia to the extent that they are sufficient therefor, and the remainder out of any money in the Treasury not otherwise appropriated.

In addition to the total sum of $11,631,907.34 appropriated by the accompanying bill for general expenses of the government of the District of Columbia for the fiscal year 1917, and payable out of the revenues of the District of Columbia and out of the Treasury of the United States, as stated above, there is recommended for the water service, payable wholly from the water revenues, $262,830.

The whole sum appropriated by the bill, including appropriations payable out of the revenues of the District and the General Treasury, respectively, and the appropriations for the water service, payable

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wholly out of the water revenues, amounts to $11,894,737.34, being $3,578,939 less than the estimates submitted to Congress, and $55,170.11 less than the whole appropriations made for the current fiscal year 1916.

The total general revenues of the District of Columbia for the fiscal year 1917, it is estimated, will amount to $8,235,050.

The foregoing sum is in amount $3,396,857.34 less than the whole sum of the appropriations made by the bill, exclusive of the water service.

Certain appropriations made in the legislative, executive, and judicial and the sundry civil acts for past fiscal years, including salaries of the Supreme Court and Court of Appeals of the District of Columbia, and maintenance of certain parks and hospitals in Washington, have heretofore been made payable one-half out of District of Columbia revenues. For the current fiscal year these appropriations amount to $494,710, and, assuming they will be no less for the ensuing fiscal year, it is proper to add one-half of that sum, or $247,355, to the excess of appropriations in the accompanying bill over the apparent District revenues for 1917, in order to determine the proportion of the general expenses of the National Capital that will be borne by the United States, as well as the amount that will be paid out of taxes levied upon the property and privileges of taxpayers in the District of Columbia, namely:

Total amount for general expenses in accompanying bill		$11,631,907.34
One-half of amounts in other acts for current expenses of the District		247,355.00
Total		11,879,262.34
Amount of District of Columbia revenues	$8,235,050.00	
Amount payable out of the General Treasury	3,644,212.34	
		11,879,262.34

The amount payable out of the District of Columbia revenues will be 69.3+ per cent of the total authorized expenditures, and 30.6+ per cent will be payable by the United States.

WATER SERVICE.

The committee have not deemed it wise to recommend a change in the act of 1863 (Stat. L., vol. 12, p. 805, sec. 3), constituting the water rates or rents collected from water users a fund to be expended exclusively for the maintenance, management, and repair of the system of water distribution in the District of Columbia or merging that fund into the revenues of the District. They do recommend, however, and provide, in the accompanying bill, that the expenses of the Washington Aqueduct, which brings the supply of water into the District, and its appurtenances, including the filtration plant, be hereafter paid from this fund, making the total specific charge thereon amount to $262,830 for the ensuing year.

The water rates or rents for the fiscal year 1917 are estimated at $693,000, or $429,970 in excess of the proposed specified charges against the fund, which surplus, together with any unexpended balance, amounting, at the end of the last fiscal year to $143,151.29, will be applied, under a provision in the bill similar to one carried in each act during the last 24 years, to the work of extending the high service system of water distribution, under which indefinite appropriations of the water revenues there has been expended to July 1, 1915, $7,239,251.90.

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It is proposed hereafter to require detailed estimates under which to make annually specific appropriations for the extension of the high service system of water distribution, as is done with respect to all other details of the water service.

The United States first undertook by an appropriation of $100,000, in 1853, "the purpose of bringing water into the city of Washington" and made additional appropriations out of the Treasury in varying sums from year to year up to and including 1879 for completing the work, including salaries, maintenance, and other expenses aggregating, with the first-named sum, $3,781,157.

Since the passage of the so-called organic act of 1878, no appropriations have been made on account of the aqueduct and its appurtenances except on the half-and-half basis.

As stated above, the expense of distribution of water to residents of the District of Columbia is borne wholly out of the fund constituted from water rates and rents.

No charge is made against or collected from the United States or the government of the District of Columbia for water consumed.

Under sections 1800 and 1802 of the Revised Statutes, the Chief of Engineers is charged with the immediate superintendence of the Washington Aqueduct and its appurtenances, and all appropriations therefor are required to be expended under the direction of the Secretary of War.

It is not deemed wise, nor is it proposed in making the expenses for maintenance of the aqueduct and its appurtenances payable out of water revenues, to change in any degree the requirements of sections 1800 and 1802 of the Revised Statutes.

NEW EMPLOYMENTS AND CHANGES IN RATES OF COMPENSATION.

The bill provides for 4,829 specific salaries, which is 91 less than the number estimated for and 144 more than the number appropriated for the current fiscal year.

The specific changes in the number or grades of officers and employees of the District of Columbia government and their rate of compensation as compared with the current law recommended in the bill are as follows:

EXECUTIVE OFFICE.

In the commissioners' office the salary of one clerk is increased from $1,200 to $1,400; the salary of one clerk is increased from $1,300 to $1,500, and that of a storekeeper from $1,000 to $1,200, in the purchasing division; the salary of one assistant inspector is increased from $1,200 to $1,500 and another from $1,200 to $1,400 in the building inspection division; and the salaries of five assistant inspectors is increased from $1,000 to $1,200 each in the plumbing inspection division.

ASSESSOR'S OFFICE.

An additional clerk at $1,200 and another at $1,000 are provided for.

AUDITOR'S OFFICE.

An additional clerk at $1,200 is recommended under the disbursing officer.

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OFFICE OF CORPORATION COUNSEL.

The salaries of the second and third assistants to the corporation counsel are increased $200 each to $2,000 and $1,800, respectively, and an additional stenographer at $720 is provided for.

OFFICE OF SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS.

An additional assistant at $1,200 is provided for.

ENGINEER COMMISSIONER'S OFFICE.

Salaries are increased of the assistant superintendent of trees and parking from $1,200 to $1,350, assistant engineer from $2,100 to $2,200, and of one clerk from $1,400 to $1,500; and provision is made for one clerk at $1,350 and two clerks at $1,200 each, now paid from lump-sum appropriations.

MUNICIPAL ARCHITECT'S OFFICE.

An additional engineering assistant at $2,400, and two clerks, one at $1,200, and one at $1,000, now paid from lump-sum appropriations, are provided for. The salary of one chief draftsman is increased from $1,700 to $1,800, and that of a driver from $540 to $600.

STREET CLEANING DIVISION.

An additional inspector at $1,100 is provided and the pay of an assistant superintendent is increased from $1,600 to $1,800.

DEPARTMENT OF INSURANCE.

A deputy and examiner at $2,000 is provided instead of an examiner at $1,700, and the salary of a stenographer is increased from $720 to $840.

SURVEYOR'S OFFICE.

The salary of an inspector is increased from $1,200 to $1,275.

PUBLIC LIBRARY.

Salaries are recommended to be increased as follows:

1 librarian from $3,500 to $4,000.
1 assistant librarian from $1,500 to $1,800.
1 chief, circulating department, from $1,200 to $1,500.
1 assistant in charge of school work from $900 to $1,000.
1 librarian's secretary from $900 to $1,000.
6 assistants from $720 to $840 each.
6 assistants from $600 to $720 each.
3 assistants from $540 to $600 each.
3 assistants from $480 to $540 each.
1 copyist from $480 to $540.
1 cataloguer from $720 to $840.
1 catloguer from $600 to $720.
2 cataloguers from $540 to $600 each.
6 attendants from $540 to $600 each.
5 attendants from $480 to $540 each.
1 collator from $480 to $540.
10 pages from $360 to $420 each.

The following new employments are authorized:

1 director of children's work at $1,500.
1 Takoma Park branch librarian, $1,000.
1 attendant, at $720.

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HIGHWAY BRIDGE.

The salaries of four watchmen are increased from $600 to $720 each.

BATHING BEACH.

An additional watchman, at $480, is provided.

PLAYGROUNDS.

Two additional watchmen, at $50 per month each, and 3 guards or 3 swimming teachers, at $60 per month each, for four months are provided.

ELECTRICAL DEPARTMENT.

The salary of the electrical engineer is increased from $2,500 to $3,000. An additional assistant repairman, at $620, is provided in lieu of a cable splicer at that salary.

PUBLIC SCHOOLS.

Additional teachers are recommended as follows:

1 assistant principal, who shall be dean of girls of the Central High School, $1,800.
1 director of penmanship, at $1,500.
1 assistant director of penmanship, $1,300.
1 assistant supervisor of manual training, $1,300.
12 teachers, at $1,000 each.
6 teachers, at $950 each.
6 teachers, at $800 each.
9 teachers, at $650 each.
5 teachers, at $600 each.
6 teachers, at $500 each.

One special beginning teacher in the normal school is provided, at $800 instead of $900.

Additional librarians and clerks—one at $650, one at $600, and one at $500—are provided.

Janitors are provided for as follows:

New Central High School—
1 engineer, $1,500.
2 assistant engineers, at $900 each.
1 electrician, at $1,000.
3 firemen, at $600 each.
1 coal passer, at $540.
1 janitor, $1,000.
1 assistant janitor, $900.
1 gardener, $840.
1 night watchman, at $720.
2 charwomen, at $480 each.
14 laborers, at $360 each.

New M Street High School—
1 engineer, $1,200.
1 assistant engineer, $900.
2 firemen, at $600 each.
1 coal passer, at $540.
1 janitor, at $900.
1 assistant janitor, at $840.
9 laborers, at $360 each.
2 charwomen, at $480 each.
1 night watchman, at $720.

The salary of one janitor for the Western High School is increased from $900 to $1,000.

For the McKinley Manual Training School, one night watchman, at $600, is provided instead of one assistant janitor at $720.

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For the Powell School, a janitor, at $840, instead of $600, and a laborer at $360 are provided.

For the Gage School the pay of the janitor is increased from $720 to $840, and the salary of one laborer from $300 to $360.

For the Cardozo Manual Training School the janitor is increased from $540 to $600.

For the O Street Manual Training School a janitor, at $600, is provided.

The janitors for the Kenilworth and Brightwood schools are increased from $360 to $540 each.

A janitor, at $540, for a six-room building in the twelfth division is omitted.

The salary of one assistant to the custodian of textbooks and school supplies is increased from $600 to $800.

METROPOLITAN POLICE.

Two policewomen, at $900 each, and one clerk instead of a messenger at $700, are provided.

The pay of a watchman and two deck hands in the Harbor Patrol is increased from $540 to $600 each.

FIRE DEPARTMENT.

One additional battalion chief engineer, at $2,000, is provided, and the salaries of 27 engineers and 2 marine engineers are increased from $1,150 to $1,200 each.

Authority is given for employment of mechanics, helpers, and laborers in the fire department repair shop, under the appropriation for its maintenance.

HEALTH DEPARTMENT.

The salary of the poundmaster is increased from $1,200 to $1,400.

PROBATION SYSTEM.

One additional assistant probation officer, at $1,200, is provided.

JUVENILE COURT.

One financial clerk at $1,200, one stenographer and typewriter at $900, one assistant chief probation officer at $1,500, one bailiff at $900, and one telephone operator at $600 are provided.

MUNICIPAL COURT.

The salaries of the five judges of the municipal court are increased from $2,500 to $3,000 each.

WRITS OF LUNACY.

One clerk at $840 is provided and the pay of the alienist is increased from $1,000 to $1,500.

COURTHOUSE, DISTRICT OF COLUMBIA.

Three messengers at $720 each, two elevator conductors at $720 each, one clerk to jury commissioner at $720, one telephone operator at $720, and one attendant in ladies' waiting room at $300, now paid from general appropriations, are provided.

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WASHINGTON ASYLUM AND JAIL.

One nurse for operating room at $540 is provided. The pay of one assistant cook is increased from $180 to $300, the pay of two nurses from $480 to $540 each, and one housekeeper from $300 to $420.

HOME FOR AGED AND INFIRM.

An additional farm hand at $360 is provided.

NATIONAL TRAINING SCHOOL FOR GIRLS.

An additional parole officer at $600 is provided.

TUBERCULOSIS HOSPITAL.

An additional graduate nurse at $600 is provided.

BOARD OF CHILDREN'S GUARDIANS.

An additional placing and investigating officer at $900 is provided.

INDUSTRIAL HOME SCHOOL FOR COLORED CHILDREN.

An additional teacher at $480 is provided.

WORKHOUSE.

The salary of the superintendent of the laundry is increased from $480 to $600.

WATER DEPARTMENT.

The salary of one assistant engineer is increased from $1,600 to $1,700, one meter clerk from $1,000 to $1,200, and three assistant steam engineers from $875 to $1,000 each.

LIMITATIONS.

Limitations with respect to expenditures or legislative provisions within clause 2 of Rule XXI of the House, not heretofore enacted, are recommended as follows:

On page 1:

Hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated.

On page 23 in connection with repaving B Street NW. from Seventh to Ninth Street:

That the one-half cost of paving said roadway between the north side thereof and a line twenty feet therefrom and parallel thereto between the west building line of Seventh Street and the east building line of Ninth Street shall be assessed against the Washington Market Company and collected as provided herein for assessments for paving roadways on streets herein authorized to be paved or repaved.

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On page 24:

The Secretary of the Interior is authorized and directed to transfer to the commissioners for use as a public highway so much of the United States reservation on Nichols Avenue, and designated as parcel two hundred and forty-three, one as may be necessary to open Nichols Avenue with a width of one hundred and ten feet from its westerly line as now established.

On page 27:

Under and in accordance with the provisions of subchapter one of chapter fifteen of the Code of Law for the District of Columbia, within six months after the passage of this act the commissioners are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Seventeenth Street northwest from Kenyon Street to Irving Street, with a width of ninety feet, said extension to be in direct line with Seventeenth Street as it now exists north of Kenyon Street: Provided, however, That the entire amount found to be due and awarded by a jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceedings hereunder, shall be assessed by the jury as benefits.

On page 39, in connection with the assistant principal of the Central High School:

That said assistant principal hereafter to be appointed shall be placed at a basic salary of $1,800 per annum, and shall be entitled to an increase of $100 per annum for five years.

On page 39:

That the director of penmanship, who shall be an instructor in the normal school and a director in the grades, shall be placed at a basic salary of $1,500 per annum, and shall be entitled to an increase of $100 per annum for five years.

On page 40:

That the assistant director of penmanship, who shall be an instructor in the normal school and an assistant director in the grades, shall be placed at a basic salary of $1,300 per annum, and shall be entitled to an increase of $50 per annum for five years.

On page 40:

That hereafter the assistant supervisor of manual training shall receive a salary of $1,300 per annum, with an increase of $50 per annum for five years.

On page 49, in connection with provision for a military instruction camp for high school cadets:

That the Secretary of War is authorized to permit the conducting of said camp on a Government reservation in the vicinity of the city of Washington, to loan all tents and other equipment necessary, and to furnish competent supervision and instruction.

On page 50:

The unexpended balance, not exceeding $40,000, of the sum appropriated for the purchase of a site for a new Eastern High School is made available toward the construction of the building on the site acquired therefor; said building shall be constructed to accommodate not less than one thousand five hundred pupils and at a total cost, includ-

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ing its complete equipment, under a contract or contracts hereby authorized therefor, not exceeding $700,000.

On page 57:

That hereafter the commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire-department repair shop.

On page 73, in connection with Columbia Hospital:

Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, and one Senator and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff, subject to the approval of the commissioners. There shall always be at least three members of each sex upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid daily to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital and the supervision and control of the commissioners.

On page 83:

That whenever any person has been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court, the imprisonment during the term for which he may have been sentenced or during the residue of said term may be in some suitable jail or penitentiary or in the reformatory of the District of Columbia, above referred to; and it shall be sufficient for the court to sentence the defendant to imprisonment in the penitentiary without specifying the particular prison or the reformatory of the District of Columbia and the imprisonment shall be in such penitentiary, jail, or the reformatory of the District of Columbia as the Attorney General shall from time to time designate: Provided further, That the commissioners are vested with jurisdiction over such male and female prisoners as may be designated by the Attorney General for confinement in the reformatory of the District of Columbia from the time they are delivered into their custody or into the custody of their authorized superintendent, deputy, or deputies, and until such prisoners are released or discharged under

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due process of law: And provided further, That the residue of the term of imprisonment of any person who has heretofore been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court may be in the reformatory of the District of Columbia instead of the penitentiary where such person may be confined when this paragraph takes effect, and the Attorney General, when so requested by the Commissioners of the District of Columbia, is authorized to and he shall deliver into the custody of the superintendent of said reformatory or his deputy or deputies any such person confined in any penitentiary in pursuance of any judgment of conviction in and sentence by any court in the District of Columbia, and the Commissioners of the District of Columbia are vested with jurisdiction over such prisoners from the time they are delivered into the custody of said superintendent or his duly authorized deputy or deputies, including the time when they are in transit between such penitentiary and the reformatory of the District of Columbia and during the period they are in such reformatory until they are released or discharged under due process of law. The Attorney General shall pay the cost of the maintenance of said prisoners so transferred, said payment to be made from appropriations for support of convicts, District of Columbia, in like manner as payments are now made for the support of District convicts in Federal penitentiaries. Nothing herein contained shall be construed as applying to the National Training School for Boys or the National Training School for Girls. The provisions of this paragraph shall take effect on and after July first, nineteen hundred and sixteen.

On page 91:

For the fiscal year nineteen hundred and seventeen and annually thereafter estimates in detail shall be submitted for the appropriations required for continuing the extension and maintenance of the high-service system of water distribution.

On page 95:

SEC. 6. That hereafter no part of any money appropriated by this or any other act shall be used for the payment to the Washington Gas Light Company or the Georgetown Gas Light Company for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per one thousand cubic feet.

On page 96:

SEC. 7. That all fees, assessments, rents, and all other receipts now required when collected to be paid into the Treasury, one-half to the credit of the District of Columbia and one-half to the credit of the United States, shall hereafter when collected be paid into the Treasury and credited wholly to the revenues of the District of Columbia.

On page 96:

SEC. 8. That hereafter the Commissioners of the District of Columbia are authorized and directed to assess and collect rent from all users of space occupied under the sidewalks and streets in the District of Columbia, which said space is occupied or used in connection with the business of said users.

On page 96:

SEC. 9. That hereafter the half cost of the paving or repaving of a roadway between the side thereof and the center thereof with sheet asphalt,

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asphalt block, granite block, vitrified block, cement concrete, bituminous concrete, macadam, or other form of pavement shall be assessed against the property abutting the side of the street so improved, such assessments to be levied and collected as now provided as to alleys and sidewalks: Provided, That the advertisement by publication of the commissioners' intention to do such work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway improvements.

There shall be included in the area the cost of which is assessable hereunder only the roadway area abutting the property between lines normally projected from the building line of the street being improved at the points of intersection with the building lines of intersecting streets.

There shall be excluded from the cost of the roadway work to be assessed hereunder:

First. The cost of all such work beyond a line twenty feet from the side thereof.

Second. The cost of all such work within the space within which street railway companies are required to pave by law, and nothing herein contained shall be construed as relieving street railway companies from bearing all the expenses of paving and repairing streets and avenues between lines two feet exterior to the outer rails of their tracks, as required by section five of the act providing a permanent form of government for the District of Columbia, approved June eleventh, eighteen hundred and seventy-eight.

On page 98:

Sec. 10. That for the protection of streams flowing through United States Government parks and reservations in the District of Columbia from pollution by sewage discharged therein from sewerage systems of Maryland towns and villages bordering said District, the commissioners are authorized to enter into an agreement with the proper authorities of the State of Maryland for the drainage of such sewerage systems into and through the sewerage system of the District of Columbia; and the said commissioners are further authorized to permit connections of Maryland sewers with the District of Columbia sewerage system at or near the District line whenever, in their judgment, the sanitary conditions of streams flowing into and through such United States Government parks and reservations in the District of Columbia are such as to demand the elimination of such pollution: Provided, That all cost of construction of such sewers to and connection with the sewerage system of the District of Columbia shall be paid by the proper authorities of the State of Maryland, and that said State shall enter into such agreement with the commissioners and shall guarantee the protection of the District of Columbia sewerage system from unauthorized connections thereto, and shall reimburse the District of Columbia for the actual cost of pumping and handling such sewage by annual payments for such service, as determined by the commissioners in such agreement; all such sums collected therefor to be paid into the Treasury of the United States through the collector of taxes to the credit of the District of Columbia.

COMPARATIVE STATEMENT.

The following comparative table shows, in parallel columns as to each item of appropriation in the bill, the amount appropriated for the fiscal year 1916, the amount estimated for 1917, and the amount recommended for 1917:

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DISTRICT OF COLUMBIA APPROPRIATION BILL, 1917.

Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Joint congressional committee, expenses of	$5,000.00					
Salaries.						
Executive offices:						
Commissioners, clerks, etc	117,230.00	90	$125,800.00	90	$119,450.00	90
District Building, care of—						
Salaries	36,530.00	70	36,530.00	70	36,530.00	70
Fuel, light, etc	17,000.00		17,000.00		17,000.00	
Assessor's office	47,940.00	35	68,440.00	48	50,140.00	37
Personal-tax board	15,800.00	8	15,800.00	8	15,800.00	8
Excise board	11,800.00	6	11,600.00	6	11,600.00	6
Collector's office:						
Salaries	21,800.00	15	21,800.00	15	21,800.00	15
Extra labor, tax-sale certificates	800.00		800.00		800.00	
Auditor's office	47,576.00	36	48,776.00	37	48,776.00	37

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Corporation counsel's office	$16,160.00	9	$19,780.00	11	$17,280.00	10
Sinking-fund office	500.00	.....	600.00	.....	500.00	.....
Coroner's office	3,600.00	4	3,600.00	4	3,600.00	4
Market masters	4,920.00	3	4,920.00	3	4,920.00	3
Farmers' Produce Market	3,660.00	5	3,660.00	5	3,660.00	5
Eastern Market	300.00	1	300.00	1	300.00	1
Western Market	300.00	1	300.00	1	300.00	1
Fish wharf and market, salaries	1,740.00	3	1,740.00	3	1,740.00	3
Weights, measures, and markets, office of superintendent of:						
Salaries	7,700.00	6	13,800.00	11	8,900.00	7
Groceries, meats, etc., purchase of	50.00	.....	100.00	.....	100.00	.....
Engineer commissioner's office	173,870.00	158	179,590.00	162	177,970.00	161
Municipal architect's office	26,350.00	19	31,110.00	22	31,110.00	22
Public Utilities Commission	69,479.96	5	45,830.00	.....	40,000.00	5
Special assessment office	12,950.00	11	12,950.00	11	12,950.00	11
Street-cleaning division	41,180.00	37	42,980.00	38	42,480.00	38
Board of examiners, steam engineers	900.00	3	900.00	3	900.00	3
Automobile board	300.00	1	300.00	1	300.00	1
Insurance, department of	10,020.00	5	10,440.00	5	10,440.00	5
Surveyor's office	31,500.00	23	31,675.00	23	31,575.00	23

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Salaries—Continued.						
Employment of females	$4,500.00	4	$4,500.00	4	$4,500.00	4
Child labor act, enforcement of			2,400.00	2		
Free public library (including Takoma Park branch):						
Salaries	47,100.00	76	66,580.00	89	55,160.00	79
Substitutes, employment of	1,000.00		1,000.00		1,000.00	
Sunday opening	2,000.00		2,000.00		2,000.00	
Miscellaneous expenses	22,000.00		22,500.00		22,000.00	
Total, salaries	798,555.96	634	850,101.00	673	795,581.00	649
Contingent and miscellaneous.						
Contingent expenses, general	36,925.00		37,500.00		36,900.00	
Motor vehicles, purchase and maintenance	15,284.00		23,860.00		13,696.00	
Central garage, erection of			35,000.00			
Postage	11,000.00		11,500.00		11,000.00	

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Personal taxes, collecting overdue	4,000.00		4,000.00		4,000.00	
Judicial expenses	4,500.00		5,000.00		5,000.00	
Coroner's office:						
Contingent expenses	4,000.00		4,800.00		4,400.00	
Morgue building, repairs to	3,500.00		500.00			
Advertising, general	4,700.00		6,000.00		5,000.00	
Advertising, notice of taxes in arrears	3,500.00		3,500.00		3,500.00	
Game and fish laws, enforcement of	200.00		200.00		200.00	
Unsafe buildings, removal of	(1)		(2)		(2)	
Historical tablets, erection of	(3)		(3)		(3)	
Copies of wills and other papers	900.00		900.00		900.00	
Register of wills office, file cases	4,500.00					
Identification tags for vehicles	1,350.00		1,350.00		1,350.00	
Buildings injured by fire, repair of	(4)		(2)		(2)	
Subdivisions, survey of old	2,500.00		2,500.00			
Markets, maintenance and repair	2,900.00		3,400.00		3,400.00	
Fish wharf and market:						
Maintenance and repair	500.00		500.00		500.00	
Buildings for	125,000.00		60,000.00		60,000.00	
Refrigerating plant, repairs, operation, etc			1,500.00	1		

[1] Reappropriation of $1,940. [2] Reappropriation. [3] Reappropriation of $500. [4] Reappropriation of $5,355.05.

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Contingent and miscellaneous—Continued.						
Eastern and Western Markets, improvements at			$8,000.00			
Eastern Market, new roof	$2,000.00					
Farmers' Produce Market, shelters at			15,000.00			
Railroad scale, new			1,200.00			
Weights, measures, and markets, office of:						
Testing truck—						
Purchase of			6,000.00			
Maintenance of			1,000.00			
Auto trucks—						
Purchase of			1,800.00			
Maintenance of			750.00			
Superintendent's motor vehicle, allowance for			300.00			
Repair shop, alterations and improvements at			12,900.00			
Total, Contingent and miscellaneous	227,259.00		248,960.00	1	$149,846.00	

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Improvements and repairs.						
Assessment and permit work	220,000.00	.....	240,000.00	.....	240,000.00	.....
Fixed pavements	.....	.....	25,000.00	.....	.....	.....
Streets and avenues, work on	110,700.00	.....	206,800.00	.....	186,600.00	.....
Repaving certain specified streets	48,700.00	.....	112,100.00	.....	56,600.00	.....
Streets, alleys, and roads:						
Grading	15,000.00	.....	25,000.00	.....	20,000.00	.....
Condemnation	1,000.00	.....	1,000.00	.....	1,000.00	.....
Suburban roads, construction of	118,700.00	.....	284,450.00	.....	174,950.00	.....
Streets, avenues, roads, or highways, opening, widening, or extension	Indefinite.	.....	Indefinite.	.....	Indefinite.	.....
Streets, avenues, and alleys, repairs	315,000.00	.....	315,000.00	.....	315,000.00	.....
Sidewalks and curbs, replacing and repairing	10,000.00	.....	25,000.00	.....	15,000.00	.....
Suburban roads, repairs	145,000.00	.....	175,000.00	.....	150,000.00	.....
Bridges:						
Construction and repair	22,000.00	.....	50,000.00	.....	45,000.00	.....
Highway Bridge—						
Operation of	16,000.00	8	16,480.00	8	16,480.00	8
Painting and repairing	.....	.....	10,000.00	.....	10,000.00	.....
Anacostia River Bridge, operation	5,600.00	.....	5,600.00	.....	4,500.00	.....

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Improvements and repairs—Continued.						
Bridges—Continued.						
Aqueduct Bridge, plans for new	.....	.....	$10,000.00	.....	.....	.....
Rock Creek, bridge over, at Calvert Street, plans for new	.....	.....	10,000.00	.....	.....	.....
Total, improvements and repairs	$1,027,700.00	8	1,510,830.00	8	$1,235,130.00	8
Sewers.						
Cleaning and repairing	68,000.00	.....	68,000.00	.....	68,000.00	.....
Sewage pumping service, operation of	46,500.00	.....	46,500.00	.....	46,500.00	.....
Main and pipe sewers and receiving basins	75,000.00	.....	107,000.00	.....	90,000.00	.....
Suburban sewers	160,800.00	.....	233,000.00	.....	178,000.00	.....
Assessment and permit work	125,000.00	.....	125,000.00	.....	125,000.00	.....
Rights of way, purchase, condemnation, etc	2,000.00	.....	2,000.00	.....	2,000.00	.....
Anacostia main interceptor	50,000.00	.....	39,500.00	.....	39,500.00	.....
Rock Creek main interceptor	.....	.....	50,000.00	.....	50,000.00	.....

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Sewage treatment works, land for			30,000.00			
Potomac interceptor			30,000.00		30,000.00	
Total, sewers	527,300.00		731,000.00		629,000.00	
Streets.						
Dust prevention, cleaning, and snow removal	280,000.00		322,000,00		290,000.00	
Rent of storage rooms			954.00			
Street-cleaning stables, paving, sheds, etc			10,000.00		5,000.00	
Refuse, disposal of (including for 1916 $8,823 in deficiency act)	188,768.00		191,620.00		179,945.00	
Municipal collection and disposal of garbage, etc			300,000.00			
Parking commission	45,000.00		60,000.00		50,000.00	
Bathing beach	4,730.00	2	5,450.00	3	5,210.00	3
Playgrounds	44,415.00	49	60,220.00	51	53,195.00	54
Public-convenience stations:						
Maintenance	10,500.00		14,000.00		13,000.00	
Station No. 1, remodeling	2,200.00					
New stations—						
F, G, and Ninth Streets NW			20,000.00			
Wisconsin Avenue and M Street NW			18,000.00			

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Streets—Continued.						
Public-convenience stations—Continued.						
New stations—Continued.						
Fifteenth Street and New York Avenue NW	.....	.....	$25,000.00	.....	.....	.....
Fifteenth Street, Maryland Avenue, and H Street NE	$5,000.00	.....	.....	.....	.....	.....
Insanitary buildings, condemnation of	2,500.00	.....	2,500.00	.....	$2,500.00	.....
Total, Streets	583,113.00	51	1,029,744.00	54	598,850.00	57
Electrical department.						
Salaries	49,015.00	51	49,515.00	51	49,515.00	51
General supplies, repairs, etc	11,050.00	.....	11,050.00	.....	11,050.00	.....
Placing wires underground	7,000.00	.....	7,000.00	.....	7,000.00	.....
Police patrol system:						
Extension of	1,200.00	.....	4,000.00	.....	1,200.00	.....
Remodeling of	.....	.....	6,324.00	.....	6,324.00	.....

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Lighting	395,000.00	.....	414,000.00	.....	400,000.00	.....
Storehouse, erection of	.....	.....	7,500.00	.....	7,500.00	.....
Motor truck, purchase of	.....	.....	2,500.00	.....	.....	.....
Fire-alarm boxes	2,000.00	.....	2,000.00	.....	2,000.00	.....
Total, Electrical department	465,265.00	51	503,889.00	51	484,589.00	51
Rock Creek Park.						
Care and improvement	18,000.00	.....	25,000.00	.....	20,000.00	.....
Public schools.						
Officers' salaries	56,900.00	28	60,700.00	29	56,900.00	28
Attendance officers	2,100.00	3	3,400.00	5	2,100.00	3
Teachers	1,398,050.00	1,798	1,445,800.00	1,847	1,438,200.00	1,846
Vacation schools and playgrounds, care, etc	.....	.....	7,000.00	.....	.....	.....
Librarians and clerks	15,600.00	26	17,350.00	29	17,350.00	29
Longevity pay	425,000.00	.....	485,000.00	.....	450,000.00	.....
Principals, allowance to	35,000.00	.....	36,060.00	.....	35,000.00	.....
Night schools:						
Salaries	20,000.00	.....	35,000.00	.....	20,000.00	.....
Contingent expenses	2,750.00	.....	3,000.00	.....	2,750.00	.....
Kindergarten supplies	3,000.00	.....	3,000.00	.....	3,000.00	.....
Janitors and laborers for care of buildings	123,570.00	223	198,382.00	301	151,410.00	271

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Public schools—Continued.						
Smaller buildings and rented rooms, care of	$10,000.00	.....	$10,000.00	.....	$10,000.00	.....
Medical inspectors	6,500.00	13	9,000.00	14	6,500.00	13
Nurses	4,500.00	5	4,500.00	5	4,500.00	5
Rent of buildings	16,500.00	.....	16,500.00	.....	15,000.00	.....
Temporary classrooms on account of compulsory-education law	5,000.00	.....	5,000.00	.....	4,000.00	.....
Buildings and grounds:						
Repairs and improvements	100,000.00	.....	150,000.00	.....	110,000.00	.....
Altering and remodeling	.....	.....	122,000.00	.....	.....	.....
Portable schools, removal of	.....	.....	3,000.00	.....	.....	.....
Manual training, apparatus, equipment, etc	27,500.00	.....	35,000.00	.....	27,500.00	.....
Fuel, light, and power	85,000.00	.....	85,000.00	.....	85,000.00	.....
Furniture, etc., kindergartens, manual-training, cooking, and sewing schools	6,570.00	.....	6,570.00	.....	5,870.00	.....
Contingent expenses, furniture, stationery, etc	47,500.00	.....	55,000.00	.....	47,500.00	.....
Western High School, furnishings and equipment	50,000.00	.....	.....	.....	.....	.....

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Pianos, purchase of	1,200.00	.....	1,500.00	.....	1,500.00	.....
Textbooks and supplies	66,000.00	2	67,600.00	2	66,000.00	2
Flags	800.00	.....	800.00	.....	800.00	.....
Playgrounds:						
Equipment, grading, etc	900.00	.....	900.00	.....	900.00	.....
Maintenance and repairs	2,700.00	.....	3,000.00	.....	3,000.00	.....
School gardens	1,200.00	.....	2,500.00	.....	1.500.00	.....
Physics departments, apparatus for	3,000.00	.....	3,000.00	.....	3,000.00	.....
Chemistry and biology departments, apparatus, etc., for	2,500.00	.....	2,500.00	.....	2,500.00	.....
Cabinetmaker	1,000.00	1	1,000.00	1	1,000.00	1
School buildings (used as social centers):						
Lighting and equipping	.....	.....	3,000.00	.....	.....	.....
Janitor service	.....	.....	600.00	.....	.....	.....
High school cadets, instruction camp	.....	.....	3,000.00	.....	3,000.00	.....
Telephone system, extension of	.....	.....	1,000.00	.....	1,000.00	.....
Buildings and grounds (including for 1916, $9,500 in deficiency act).	775,500.00	.....	738,659.00	.....	203,000.00	.....
Columbia Institution for Deaf	12,250.00	.....	12,250.00	.....	12,250.00	.....
Colored deaf-mutes, instruction of	2,800.00	.....	2,400.00	.....	2,400.00	.....
Blind, instruction of indigent	7,350.00	.....	7,750.00	.....	7,350.00	.....
Total, public schools	3,318,240.00	2,099	3,647,721.00	2,233	2,801,780.00	2,198

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Metropolitan police.						
Salaries	$917,260.49	772	$953,171.34	794	$919,171.34	774
National Bureau of Criminal Identification	500.00	.....	500.00	.....	500.00	.....
Miscellaneous	48,600.00	.....	83,760.00	.....	54,800.00	.....
House of Detention	14,330.00	16	14,330.00	16	14,330.00	16
Harbor patrol	6,820.00	7	6,820.00	7	7,000.00	7
Total, Metropolitan police	987,510.49	795	1,058,581.34	817	995,801.34	797
Fire department.						
Salaries	568,230.00	502	573,280.00	504	571,680.00	503
Miscellaneous	131,800.00	.....	127,180.00	.....	113,000.00	.....
Permanent improvements	26,200.00	.....	130,500.00	.....	59,500.00	.....
Total, fire department	726,230.00	502	830,960.00	504	744,180.00	503
Health department.						
Salaries	64,940.00	52	71,580.00	58	65,140.00	52
Contagious diseases, prevention of	25,000.00	.....	30,000.00	.....	25,000.00	.....

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Smallpox hospital, repairs	1,000.00					
Refuse incinerator for			500.00			
Quarantine station, repairs	400.00					
Buildings, repairs to			2,500.00			
Disinfecting service, maintenance of	6,000.00		6,000.00		6,000.00	
Abatement of nuisances and drainage of lots	1,500.00		1,500.00		1,000.00	
Drugs and foods, detection of adulteration of	100.00		100.00		100.00	
Bacteriological laboratory, apparatus, supplies, books, etc	1,000.00		1,000.00		500.00	
Chemical laboratory:						
Apparatus and equipment	2,080.00					
Maintenance, etc	1,255.00		1,000.00		500.00	
Contingent expenses	1,000.00		1,000.00		1,000.00	
Dairy farms, inspection of	6,000.00		6,000.00		6,000.00	
Garfield and Providence Hospitals, isolating wards in	12,000.00		12,000.00		12,000.00	
Public crematory:						
Maintenance	2,000.00		2,000.00		2,000.00	
Repairs			2,000.00			
Motor vehicles, maintenance of	400.00		400.00		300.00	
Pound and stable, alterations at			1,500.00		1,500.00	

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Health department—Continued.						
Motor vehicles, purchase of:						
Pound service	.....	.....	$2,000.00	.....	.....	.....
Ambulance	.....	.....	3,100.00	.....	.....	.....
Total, health department	$124,675.00	52	144,180.00	58	$121,040.00	52
Courts.						
Court of Appeals reports	110.00	.....	110.00	.....	110.00	.....
Probation system	6,000.00	4	7,200.00	5	7,200.00	5
Juvenile court:						
Salaries	18,690.00	15	28,590.00	24	23,790.00	20
Miscellaneous	6,300.00	.....	6,300.00	.....	5,800.00	.....
Police court:						
Salaries	30,180.00	28	30,180.00	28	30,180.00	28
Miscellaneous	13,750.00	.....	15,650.00	.....	12,500.00	.....

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Municipal court	20,450.00	11	25,050.00	11	25,050.00	11
Writs of lunacy	3,500.00	1	6,200.00	3	4,840.00	2
Total, courts	98,980.00	59	119,280.00	71	109,470.00	66
Interest and sinking fund	975,408.00	.....	975,408.00	.....	975,408.00	.....
Emergency fund	8,000.00	.....	8,000.00	.....	8,000.00	.....
Courts and prisons.						
Convicts, support of (including for 1916, $60,000 in deficiency act)	150,000.00	.....	165,000.00	.....	100,000.00	.....
Courthouse, care of	10,680.00	15	10,680.00	15	16,020.00	23
Court of Appeals Building	5,600.00	7	5,600.00	7	5,600.00	7
Supreme court:						
Witness fees (including for 1916, $2,000 in deficiency act)	15,000.00	.....	15,000.00	.....	15,000.00	.....
Jurors, fees of (including for 1916, $8,000 in deficiency act)	65,000.00	.....	65,000.00	.....	65,000.00	.....
Bailiffs, pay of	27,000.00	.....	27,200.00	.....	27,000.00	.....
Miscellaneous expenses (including for 1916, $2,000 in deficiency act)	17,000.00	.....	18,000.00	.....	12,000.00	.....
Total, courts and prisons	290,280.00	22	306,480.00	22	240,620.00	30
Charities and corrections.						
Board of Charities	18,260.00	17	20,240.00	18	18,260.00	17
Motor ambulances	.....	.....	6,750.00	.....	.....	.....

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Charities and corrections—Continued.						
Reformatories and correctional institutions:						
Washington Asylum and Jail	$129,760.00	81	$145,010.00	84	$135,410.00	82
Home for Aged and Infirm	45,932.00	34	83,332.00	36	72,892.00	35
National Training School for Boys	60,000.00	.....	65,000.00	.....	65,000.00	.....
National Training School for Girls	25,600.00	21	56,180.00	22	25,980.00	22
Medical charities:						
Freedmen's Hospital	35,000.00	.....	35,000.00	.....	35,000.00	.....
Columbia Hospital, maintenance and operation	20,000.00	.....	20,000.00	.....	20,000.00	.....
Children's Hospital	14,000.00	.....	16,000.00	.....	14,000.00	.....
National Homeopathic Hospital	8,500.00	.....	8,500.00	.....	8,500.00	.....
Emergency Hospital	17,000.00	.....	19,000.00	.....	17,000.00	.....
New building	50,000.00	.....	.....	.....	.....	.....
Eastern Dispensary	12,500.00	.....	13,500.00	.....	12,500.00	.....

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Washington Home for Incurables	5,000.00	.....	5,000.00	.....	5,000.00	.....
Georgetown University Hospital	5,000.00	.....	7,000.00	.....	5,000.00	.....
George Washington University Hospital	5,000.00	.....	6,000.00	.....	5,000.00	.....
Garfield Hospital	.....	.....	19,000.00	.....	.....	.....
Providence Hospital	.....	.....	19,000.00	.....	.....	.....
Tuberculosis Hospital	52,360.00	39	62,980.00	42	57,960.00	40
Municipal Hospital, construction of	.....	.....	150,000.00	.....	.....	.....
Child-caring institutions:						
Board of Children's Guardians	96,080.00	13	119,600.00	16	111,980.00	14
Industrial Home School (for colored children)	18,300.00	18	25,420.00	20	20,880.00	19
Industrial Home School	29,280.00	19	34,830.00	19	28,830.00	19
National Association for Relief of Destitute Colored Women and Children	9,900.00	.....	9,900.00	.....	9,900.00	.....
Washington Home for Foundlings	6,000.00	.....	6,000.00	.....	6,000.00	.....
St. Ann's Infant Asylum	6,000.00	.....	6,000.00	.....	6,000.00	.....
Temporary homes:						
Municipal Lodging House	4,190.00	4	4,190.00	4	4,190.00	4
New building	.....	.....	40,000.00	.....	.....	.....
Temporary Home for ex-Union Soldiers and Sailors	5,920.00	3	5,920.00	3	5,920.00	3
Southern Relief Society	6,000.00	.....	6,000.00	.....	6,000.00	.....
Florence Crittenton Hope and Help Mission	3,000.00	.....	3,000.00	.....	3,000.00	.....

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Charities and corrections—Continued.						
Miscellaneous:						
Government Hospital for the Insane	$385,000.00	.....	$395,000.00	.....	$390,000.00	.....
Nonresident insane, deportation of	3,000.00	.....	3,000.00	.....	3,000.00	.....
Poor, relief of	12,000.00	.....	12,000.00	.....	12,000.00	.....
Paupers, transportation of	2,000.00	.....	2,500.00	.....	2,500.00	.....
Workhouse	175,990.00	79	185,610.00	79	180,110.00	79
Reformatory	15,000.00	.....	129,000.00	.....	129,000.00	.....
Total, Charities and corrections	1,281,572.00	328	1,745,462.00	343	1,416,812.00	334
Militia	79,664.00	2	95,100.00	3	79,800.00	2
Erroneous collections, refund of	1,000.00	.....	1,500.00	.....	1,000.00	.....
Anacostia River Flats	100,000.00	.....	200,000.00	.....	200,000.00	.....

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Parks.						
Small parks	25,000.00	.....	25,000.00	.....	25,000.00	.....
Patterson tract	.....	.....	500,000.00	.....	.....	.....
Dean tract	.....	.....	625,000.00	.....	.....	.....
Total, parks	25,000.00	.....	1,150,000.00	.....	25,000.00	.....
Grand total, excluding water service	11,662,752.45	4,603	15,182,196.34	4,838	11,631,907.34	4,747
Water Service.						
Washington Aqueduct:						
Operation, salaries, etc	119,000.00	.....	124,000.00	.....	120,000.00	.....
Conduit Road:						
Improvement of	15,000.00	.....	.....	.....	.....	.....
Repairs, grading, etc	5,000.00	.....	5,000.00	.....	5,000.00	.....
Emergency fund	([1])	.....	5,000.00	.....	5,000.00	.....
McMillan Park Reservoir, parking around	3,000.00	.....	3,000.00	.....	3,000.00	.....
Tunnels, lining of	10,000.00	.....	.....	.....	.....	.....
Water meters, purchase of	.....	.....	24,000.00	.....	.....	.....

[1] Reappropriation of $3,940.92.

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Comparative statement showing the appropriations for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917—Con.

Object.	Appropriations for 1916.		Estimates for 1917.		Recommended for 1917.	
	Amount.	Number of salaries.	Amount.	Number of salaries.	Amount.	Number of salaries.
Water service—Continued.						
Water department:						
Salaries	$87,355.00	82	$88,680.00	82	$88,030.00	82
Contingent expenses	4,800.00	.....	4,800.00	.....	4,800.00	.....
Fuel, machinery, repairs, etc	37,000.00	.....	37,000.00	.....	37,000.00	.....
Extension of service	Indefinite.	.....	Indefinite.	.....	Indefinite.	.....
Total, water service	281,155.00	82	291,480.00	82	262,830.00	82
Grand total, including water service	11,949,907.45	4,685	15,473,676.34	4,920	11,894,737.34	4,829

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 722.

PENSION APPROPRIATION BILL.

MAY 18, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RAUCH, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 15775.]

The Committee on Appropriations, in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1917, submit the following in explanation thereof:

The estimates on which the bill is based will be found on page 515 of the Book of Estimates for 1917, and amount to $160,565,000.

The accompanying bill appropriates $158,065,000.

The following statement gives, by appropriate title of expenditure, the amounts appropriated for 1916, the estimates for 1917, and the amounts recommended in the accompanying bill for 1917:

Title of expenditure.	Appropriations for 1916.	Estimates for 1917.	Recommended for 1917.
Payment of pensions	$164,000,000	$160,500,000	$158,000,000
Fees of examining surgeon	100,000	65,000	65,000
Total	164,100,000	160,565,000	158,065,000

The reduction from $164,000,000 for 1916 to $158,000,000 for 1917 in the appropriation for payment of pensions is approved by the Commissioner of Pensions in statements made by him to the committee.

The reduction in the amount for payment of fees of examining surgeons in pension cases is also in accordance with the estimates and the recommendation of the Commissioner of Pensions from $100,000 for 1916 to $65,000 for 1917; this service is largely diminished for the reason that many who are put on the pension roll now because of age and service are not required to submit to medical examination.

ARMY AND NAVY MEDAL OF HONOR ROLL.

For reasons set forth in the accompanying letters from the Commissioner of Pensions, the following provision, amending the act of April 27, 1916, creating an Army and Navy medal of honor roll, is recommended so as to provide that pensions under said act shall be paid in common with all other pensions out of the annual appropriations made for the payment of invalid and other pensions:

: And provided further, That all allowances made or hereafter to be made to medal of honor pensioners under the act of Congress ap-

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proved April twenty-seventh, nineteen hundred and sixteen, shall be paid from the moneys appropriated for the payment of invalid and other pensions, and section three of the said act of April twenty-seventh, nineteen hundred and sixteen, is amended accordingly.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, May 17, 1916.

Hon. JOHN J. FITZGERALD,
Chairman Appropriation Committee, House of Representatives.

MY DEAR MR. FITZGERALD: Yesterday I addressed a communication to Hon. I. R. Sherwood, chairman of the Committee on Invalid Pensions, calling his attention to the act of Congress approved April 27, 1916, relative to the establishment in the War Department and in the Navy Department of a roll designated as "the Army and Navy medal of honor roll." Section 3 of the said act contains the following provision:

"* * * and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States, not otherwise appropriated, a special pension of $10 per month," etc.

I suggested that to leave the law as it is would require separate certificates for these particular pensioners, a separate roll, a separate account, and separate requisitions, with all the consequent trouble, complications, and annoyances arising therefrom, and expressed a hope that a change might be made so as to strike out the words "in the Treasury of the United States not otherwise appropriated" and insert in lieu thereof "appropriated for the payment of pensions."

Gen. Sherwood and others have suggested that our desires might be accomplished by adding a provision to the Army and Navy pension appropriation bill for the year ending June 30, 1917, as follows:

"*Provided*, That all allowances made or hereafter to be made to medal of honor pensioners under the act of Congress approved April twenty-seventh, nineteen hundred and sixteen, shall be paid from the moneys appropriated for the payment of invalid and other pensions, and section three of the said act of April twenty-seven, nineteen hundred and sixteen, is hereby amended accordingly."

If this provision can be enacted into law, the trouble and annoyances referred to above will be obviated. I will thank you for aiding us in this matter.

I am inclosing herewith a copy of my letter to Gen Sherwood.

Very truly, yours,

G. M. SALTZGABER, *Commissioner.*

MAY 15, 1916.

Hon. I. R. SHERWOOD,
Chairman Committee on Invalid Pensions, House of Representatives.

MY DEAR MR. SHERWOOD: The act "To establish in the War Department and in the Navy Department, respectively, a roll, designated as 'the Army and Navy medal of honor roll,' and for other purposes," approved April 27, 1916 (Public, No. 56, 64th Cong.), contains the following provision:

"SEC. 3. * * * and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month," etc.

The Comptroller of the Treasury, on the question being submitted to him, has decided as follows:

"The effect of this provision is to make an indefinite specific appropriation for the payment of these special pensions. Therefore no other appropriation may properly be used to pay said pensions. Funds to enable the Commissioner of Pensions to make these payments will be advanced from this specific appropriation upon proper requisition therefor."

It was hoped that we could pay these special pensions out of the regular appropriation for the payment of pensions. To leave the law as it is will require separate certificates for these particular pensions, a separate roll, a separate account, and separate requisitions, with all the consequent trouble, complications, and annoyances arising therefrom.

The Pension Bureau asks that you secure in proper manner a change so as to strike out the words "in the Treasury of the United States not otherwise

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appropriated" and insert in lieu thereof "appropriated for the payment of pensions."

You are to judge how best to accomplish this purpose. If it can be done by joint resolution, it would no doubt go through very quickly. The whole purpose is to simplify matters for the Pension Bureau and the Treasury Department, and to facilitate the payment of these pensions in accordance with the expressed will of Congress.

Very truly, yours, G. M. SALTZGABER, *Commissioner.*

TOTAL EXPENDITURES FOR PENSIONS.

The following table, furnished by the Commissioner of Pensions, shows the amounts paid by the Government in pensions to soldiers, sailors, and marines, their widows, minor children, and dependent relatives, on account of military and naval service since the foundation of the Republic:

War of the Revolution (estimated)	$70,000,000.00
War of 1812 (service pension)	45,972,895.76
Indian wars (service pension)	13,315,227.19
War with Mexico (service pension)	49,618,948.68
Civil War	4,614,643,267.43
War with Spain and Philippine insurrection	49,944,441.84
Regular Establishment	35,472,408.77
Unclassified	16,508,447.41
Total	4,895,475,637.08

The following table, also compiled from the annual reports of the Commissioner of Pensions, shows the number of pensioners on the roll, the annual value of pensions, the disbursements on account of pensions, the number of original applications filed, and the number of original claims allowed each fiscal year from 1879 to 1915, inclusive:

Fiscal year.	Number of pensioners on the roll.	Annual value of pensions.	Disbursements on account of pensions.	Total number of applications filed, original.	Total number of claims allowed, original.
1879	242,755	$25,493,742.15	$33,664,428.92	57,118	31,346
1880	250,802	25,917,906.60	56,689,229.08	141,466	19,545
1881	268,830	28,769,967.46	50,583,405.35	31,116	27,394
1882	285,697	29,341,101.62	54,313,172.05	40,939	27,664
1883	303,658	32,245,192.43	60,427,573.81	48,776	38,162
1884	322,756	34,456,600.35	57,912,387.47	41,785	34,192
1885	345,125	38,990,985.28	65,171,937.12	40,918	35,767
1886	365,783	44,708,027.44	64,091,142.90	49,895	40,857
1887	406,007	52,824,641.22	73,752,997.08	72,465	55,194
1888	452,557	56,707,220.92	78,950,501.67	75,726	60,252
1889	489,725	64,246,552.36	88,842,720.58	81,220	51,921
1890	537,944	72,052,143.49	106,094,250.39	105,044	66,637
1891	676,160	89,247,200.20	117,312,690.50	696,941	156,486
1892	876,068	116,879,867.24	139,394,147.11	246,638	224,047
1893	966,012	130,510,179.34	156,906,637.94	119,361	121,630
1894	969,544	130,120,863.00	139,986,726.17	57,141	39,085
1895	970,524	130,048,365.00	139,807,788.78	45,361	39,185
1896	970,678	129,485,587.00	138,215,174.98	42,244	40,374
1897	976,014	129,795,428.00	139,949,717.35	50,585	50,101
1898	993,714	130,968,465.00	144,651,879.80	48,732	52,648
1899	991,519	131,617,961.00	138,355,052.95	53,881	37,077
1900	993,529	131,534,544.00	138,462,130.65	51,964	40,645
1901	997,735	131,568,216.00	138,531,483.84	58,373	44,868
1902	999,446	132,152,800.00	137,504,267.99	47,965	40,173
1903	996,545	133,029,090.00	137,759,653.71	52,325	40,136
1904	994,762	134,130,203.00	141,093,571.00	55,794	44,296
1905	998,441	136,745,295.00	141,142,861.33	52,841	50,027
1906	985,971	136,237,749.00	139,000,288.25	37,212	34,974
1907	967,371	140,850,880.60	138,155,412.46	43,619	29,945
1908	951,687	159,495,701.00	153,093,086.27	46,619	37,691
1909	946,194	160,682,870.32	161,973,703.50	35,789	45,086
1910	921,083	158,332,391.82	159,974,056.08	31,777	28,027
1911	892,098	154,834,237.80	157,325,160.35	30,601	25,519
1912	860,294	151,558,141.40	152,986,105.22	27,692	22,777
1913	[1] 820,200	171,490,784.82	174,171,660.80	27,856	19,346
1914	785,239	166,449,333.26	172,417,546.26	33,869	19,287
1915	748,147	161,172,441.78	165,518,266.14	28,110	17,112

[1] Does not include 72 pensioners, class, "Brothers, sisters, sons, and daughters" under "general law," formerly carried on the New York agency roll.

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FIRST PAYMENTS.

The first payments made on new certificates each year for the past five years, with the averages and the averages of first payments, by classes, during the past year, are shown in the commissioner's report, as follows:

First payments during the last five years.

Fiscal year.	Number.	Amount.	Average.
1915	87,620	$4,504,187.67	$51.41
1914	97,052	4,856,614.31	50.04
1913	433,995	18,250,225.00	42.05
1912	78,781	4,096,502.00	53.00
1911	93,632	4,842,925.00	51.72

AVERAGE FIRST PAYMENTS IN EACH CLASS.

Average value of first payments:	
In original cases	$81.74
In original regular establishment cases	114.29
In original act of May 11, 1912, cases	171.95
In original act of Feb. 6, 1907, cases	542.17
In original general law, Civil War cases	85.96
In original act June 27, 1890, cases	259.56
In original act of Apr. 19, 1908, cases	62.85
In original War with Spain cases	157.28
In original War with Mexico cases	177.37
In original Indian wars cases	265.10
In increase and reissue cases	43.89
In all cases	51.41

NAVY PENSION FUND.

Section 4755 of the Revised Statutes provides that Navy pensions shall be paid out of the "Navy pension fund," upon an appropriation by Congress, so far as the same may be sufficient.

The naval pension fund at present amounts to $14,764,837.87, bearing interest at the rate of 3 per cent per annum, and is created under the provisions of sections 4751 and 4752 of the Revised Statutes.

The payments on account of Navy pensions during the fiscal year 1915 aggregated $5,810,475.39, of which sum $353,848.66 was income from the Navy pension fund.

PENSIONERS BY STATES AND FOREIGN COUNTRIES.

Pensioners and amounts paid, arranged by States, insular possessions, Canal Zone, and foreign countries, during the fiscal year ended June 30, 1915.

STATE OR TERRITORY.	Number.	Amount.	STATE OR TERRITORY—continued.	Number.	Amount.
Alabama	2,949	$652,706.23			
Alaska	73	16,243.82	Maine	13,018	$2,881,484.94
Arizona	817	180,791.61	Maryland	11,355	2,513,362.00
Arkansas	8,040	1,779,647.63	Massachusetts	31,143	6,893,418.56
California	26,441	5,852,416.37	Michigan	31,302	6,928,648.67
Colorado	7,347	1,626,280.65	Minnesota	11,596	2,566,734.55
Connecticut	9,132	2,021,195.34	Mississippi	3,660	810,081.42
Delaware	2,374	525,498.13	Missouri	36,031	7,975,940.97
District of Columbia	8,203	1,815,721.57	Montana	2,158	477,610.51
Florida	4,642	1,027,368.89	Nebraska	13,113	2,902,369.86
Georgia	2,734	605,240.52	Nevada	364	80,586.22
Idaho	2,049	453,561.21	New Hampshire	5,988	1,325,453.54
Illinois	51,542	11,409,082.92	New Jersey	18,813	4,164,685.43
Indiana	45,613	10,096,919.78	New Mexico	1,731	383,101.01
Iowa	25,397	5,621,416.89	New York	62,303	13,791,017.65
Kansas	29,562	6,543,877.69	North Carolina	3,315	733,714.37
Kentucky	19,491	4,313,894.54	North Dakota	2,675	592,161.08
Louisiana	4,902	1,085,593.49	Ohio	70,768	15,666,677.11

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Pensioners and amounts paid, arranged by States, insular possessions, Canal Zone, and foreign countries, during the fiscal year ended June 30, 1915—Continued.

	Number.	Amount.
STATE OR TERRITORY—continued.		
Oklahoma	10,404	$2,302,825.21
Oregon	7,119	1,575,650.56
Pennsylvania	69,011	15,275,745.00
Rhode Island	4,092	905,645.72
South Carolina	1,547	342,385.98
South Dakota	4,922	1,089,390.75
Tennessee	15,477	3,425,758.39
Texas	7,670	1,697,584.69
Utah	937	207,372.41
Vermont	5,970	1,321,445.32
Virginia	7,950	1,759,606.55
Washington	9,075	2,008,748.78
West Virginia	9,693	2,145,450.02
Wisconsin	18,053	3,995,768.81
Wyoming	766	169,610.80
Total	743,327	164,537,494.15
Canal Zone, total	1	240.00
INSULAR POSSESSIONS.		
Guam	2	504.00
Hawaii	69	15,189.03
Philippines	55	12,235.60
Porto Rico	33	7,383.17
Total	159	35,311.80
FOREIGN COUNTRIES.		
Algeria	1	5,208.92
Argentina	12	144.00
Australia	93	2,508.32
Austria-Hungary	32	20,400.18
Azores	5	1,374.16
Bahamas	3	720.00
Barbadoes	2	330.00
Belgium	17	4,624.32
Bermuda	7	1,008.14
Bolivia	1	360.00
Brazil	6	1,344.25
British West Indies	9	2,142.37
Bulgaria	1	144.00
Canada	2,421	483,120.85
Cape de Verde Islands	1	96.00
Chile	11	3,006.23
China	16	2,906.04
Colombia	1	144.00
Comoro Islands	1	120.00
Costa Rica	3	768.00
Cuba	42	8,784.06
Danish West Indies	1	144.00
FOREIGN COUNTRIES—continued.		
Denmark	46	$9,360.62
Dominican Republic	2	348.00
Dutch West Indies	3	708.00
England	420	88,206.48
Egypt	1	144.00
Finland	8	1,620.50
France	63	14,331.54
Germany	427	85,314.86
Greece	10	1,368.19
Guatemala	3	708.00
Honduras	5	1,584.21
Hongkong	2	375.00
India	10	1,788.46
Ireland	387	80,795.94
Isle of Pines	13	2,622.88
Italy	54	14,054.64
Japan	34	6,600.12
Liberia	6	1,296.54
Luxembourg	4	756.00
Malta	1	144.00
Mexico	53	9,978.75
Morocco	1	144.00
Netherlands	9	1,452.17
Newfoundland	5	876.48
New Zealand	17	3,624.91
Nicaragua	2	324.00
Norway	71	13,577.82
Panama	3	588.00
Peru	9	1,584.24
Portugal	4	792.00
Roumania	1	144.00
Russia	12	1,992.81
Samoa	1	96.00
Scotland	69	14,186.16
Servia	1	204.00
Seychelles Islands	1	144.00
Siam	1	180.00
South Africa	12	2,772.74
Spain	5	1,092.51
St. Helena	1	144.00
Sweden	76	15,140.88
Switzerland	70	14,874.72
Tasmania	1	276.00
Tonga Islands	1	216.00
Trinidad	2	372.00
Turkey in Asia	12	2,052.10
Turkey in Europe	2	330.00
Uruguay	2	504.00
Venezuela	1	144.00
Wales	30	5,886.08
Total	4,660	945,220.19

SUMMARY.

	Pensioners.	Payments.
Pensioners residing in States and Territories and payments to them	743,327	$164,537,494.15
Pensioners residing in insular possessions and Canal Zone and payments to them	160	35,551.80
Pensioners residing in foreign countries and payments to them	4,660	945,220.19
Total	748,147	165,518,266.14

CIVIL WAR SURVIVORS.

The following shows the loss and percentage of loss to the pension roll by death of Civil War soldier pensioners from the year 1911 to 1915 inclusive.

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Losses to pension roll, 1911 to 1915.

Year.	On roll at beginning of year.	Loss by death during year.	Percentage of loss.
1911	562,615	35,243	6.2
1912	529,884	33,981	6.3
1913	497,263	36,064	7.2
1914	462,379	33,639	7.3
1915	396,370	33,255	8.4

DISBURSEMENTS FOR PENSIONS AND MAINTENANCE OF PENSION SYSTEM.

Disbursements for pensions and for maintenance of pension system, 1866 to 1915.

Fiscal year.	Paid as pensions.	Cost, maintenance, and expenses.	Total.	Number of pensioners.
1866	$15,450,549.88	$407,165.00	$15,857,714.88	126,722
1867	20,784,789.69	490,977.35	21,275,767.04	155,474
1868	23,101,509.36	553,020.34	23,654,529.70	169,643
1869	28,513,247.27	564,526.81	29,077,774.08	187,963
1870	29,351,488.78	600,997.86	29,952,486.64	198,686
1871	28,518,792.62	863,079.00	29,381,871.62	207,495
1872	29,752,746.81	951,253.00	30,703,999.81	232,229
1873	26,982,063.89	1,003,200.64	27,985,264.53	238,411
1874	30,206,778.99	966,794.13	31,173,573.12	236,241
1875	29,270,404.76	982,695.35	30,253,100.11	234,831
1876	27,936,209.53	1,015,078.81	28,951,288.34	232,137
1877	28,182,821.72	1,034,459.33	29,217,281.05	232,104
1878	26,786,009.44	1,032,500.09	27,818,509.53	233,998
1879	33,664,428.92	837,734.14	34,502,163.06	242,755
1880	56,689,229.08	935,027.28	57,624,256.36	250,952
1881	50,583,405.35	1,072,059.64	51,655,464.99	268,830
1882	54,313,172.05	1,466,236.01	55,779,408.06	285,697
1883	60,427,573.81	2,591,648.29	63,019,222.10	303,658
1884	57,912,387.47	2,835,181.00	60,747,568.47	322,756
1885	65,171,937.12	3,392,576.34	68,564,513.46	345,135
1886	64,091,142.90	3,245,016.61	67,336,159.51	365,783
1887	73,752,997.08	3,753,400.91	77,506,397.99	406,007
1888	78,950,501.67	3,515,057.27	82,465,558.94	452,557
1889	88,842,720.58	3,466,968.40	92,309,688.98	489,725
1890	106,093,850.39	3,526,382.13	109,620,232.52	537,944
1891	117,312,690.50	4,700,636.44	122,013,326.94	676,160
1892	139,394,147.11	4,898,665.80	144,292,812.91	876,688
1893	156,906,637.94	4,867,734.42	161,774,372.36	966,012
1894	139,986,726.17	3,963,976.31	143,950,702.48	969,544
1895	139,812,294.30	4,338,020.21	144,150,314.51	970,324
1896	138,220,704.46	3,991,375.61	142,212,080.07	970,678
1897	139,949,717.35	3,987,783.07	143,937,500.42	976,614
1898	144,651,879.80	4,114,091.46	148,765,971.26	988,714
1899	138,355,052.95	4,147,517.73	142,502,570.68	991,519
1900	138,462,130.65	3,841,706.74	142,303,837.39	993,582
1901	138,531,483.84	3,868,795.44	142,400,279.28	997,735
1902	137,504,267.99	3,831,378.96	141,335,646.95	999,446
1903	137,759,653.71	3,993,216.79	141,752,870.50	996,545
1904	141,093,571.49	3,849,366.25	144,942,937.74	994,762
1905	141,142,861.33	3,721,832.82	144,864,694.15	998,441
1906	139,000,288.25	3,523,269.51	142,523,557.76	985,971
1907	138,155,412.46	3,309,110.44	141,464,522.90	967,371
1908	153,093,086.27	2,800,963.36	155,894,049.63	951,687
1909	161,973,703.77	2,852,583.73	164,826,287.50	946,194
1910	159,974,056.08	2,657,673.86	162,631,729.94	921,083
1911	157,325,160.35	2,517,127.06	159,842,287.41	892,626
1912	152,986,433.72	2,448,857.31	155,435,291.03	860,294
1913	174,171,660.80	2,543,246.59	176,714,907.39	820,200
1914	172,417,546.26	2,066,507.15	174,484,053.41	785,239
1915	165,518,266.14	1,779,860.30	167,298,126.44	748,147
Total	4,799,030,192.85	129,718,333.09	4,928,748,525.94	.....

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SPECIAL ACTS.

Since 1861 there have been allowed by special acts of Congress 47,398 pensions and increases of pensions, of which 21,648 are now on the roll, with an annual face value of $6,640,722. Only a part of this is properly chargeable to special acts, as most of the beneficiaries had been previously pensioned under general laws at lower rates.

From June 30, 1914, and thereafter during the Sixty-third Congress, 4,167 persons were included in the special acts passed at the rates specified in the summary following:

Pensions granted by special act during the Sixty-third Congress subsequent to June 30, 1914.

Rates specified.	Number granted.	Rates specified.	Number granted.
$100.00	1	$15.00	4
$72.00	2	$14.00	3
$50.00	243	$12.00	819
$45.00	2	$10.00	6
$40.00	297	$8.00	7
$36.00	349	Inoperative:	
$35.00	1	$50.00	15
$30.00	962	$40.00	13
$27.00	32	$36.00	12
$25.00	16	$30.00	36
$24.00	459	$27.00	1
$22.50	6	$25.00	1
$21.00	16	$24.00	14
$20.00	730	$20.00	17
$18.00	4	$17.00	2
$17.00	83	$12.00	11
$16.00	2		
$15.50	1	Total	4,167

Of the above, 918 were granted to persons not in receipt of a pension and 3,249 to persons then receiving smaller pensions.

The annual value of said special-act pensions is $1,257,006, and the annual increase due to the same is $552,507.

The following statement shows the number of pensions and increases of pensions granted by special acts during each Congress since March 4, 1861.

Number of pensions granted by special acts each Congress since Mar. 4, 1861.

Thirty-seventh (1861–1863)	12	Fifty-second (1891–1893)	217
Thirty-eighth (1863–1865)	27	Fifty-third (1893–1895)	119
Thirty-ninth (1865–1867)	138	Fifty-fourth (1895–1897)	378
Fortieth (1867–1869)	275	Fifty-fifth (1897–1899)	694
Forty-first (1869–1871)	85	Fifty-sixth (1899–1901)	1,391
Forty-second (1871–1873)	167	Fifty-seventh (1901–1903)	2,171
Forty-third (1873–1875)	182	Fifty-eighth (1903–1905)	3,355
Forty-fourth (1875–1877)	98	Fifty-ninth (1905–1907)	6,080
Forty-fifth (1877–1879)	230	Sixtieth (1907–1909)	6,600
Forty-sixth (1879–1881)	96	Sixty-first (1909–1911)	9,649
Forty-seventh (1881–1883)	216	Sixty-second (1911–1913)	6,350
Forty-eighth (1883–1885)	598	Sixty-third (1913–1915)	5,061
Forty-ninth (1885–1887)	856		
Fiftieth (1887–1889)	1,015	Total	47,398
Fifty-first (1889–1891)	1,388		

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Pensioners on the roll June 30, 1915, and June 30, 1914.

	1915	1914	Gain.	Loss.
Regular Establishment:				
Invalids	15,242	14,919	323	.....
Widows	2,923	2,892	31	.....
Minor children	207	190	17	.....
Mothers	1,176	1,159	17	.....
Fathers	169	168	1	.....
Brothers, sisters, sons, and daughters	5	5	.....	.....
Helpless children	8	8	.....	.....
Civil War:				
Act May 11, 1912—				
Survivors	347,081	369,624	.....	22,543
Act Feb. 6, 1907—				
Survivors	2,872	7,158	.....	4,286
General law—				
Invalids	45,336	50,347	.....	5,011
Nurses	275	292	.....	17
Widows	54,131	56,819	.....	2,688
Minor children	167	184	.....	17
Mothers	627	825	.....	198
Fathers	65	98	.....	33
Brothers, sisters, sons, and daughters	420	353	67	.....
Helpless children	610	589	21	.....
Act June 27, 1890—				
Invalids	1,081	2,225	.....	1,144
Minor children	3,390	3,633	.....	243
Helpless children	464	458	6	.....
Act Apr. 19, 1908—				
Widows without children	231,852	232,084	.....	232
Widows with children	3,235	3,440	.....	205
War with Spain:				
Invalids	24,370	24,250	120	.....
Widows	1,284	1,241	43	.....
Minor children	191	221	.....	30
Mothers	2,668	2,763	.....	95
Fathers	392	428	.....	36
Brothers, sisters, sons, and daughters	3	3	.....	.....
Helpless children	4	4	.....	.....
War of 1812:				
Widows	134	170	.....	36
War with Mexico:				
Survivors	680	893	.....	213
Widows	4,253	4,699	.....	446
Indian wars:				
Survivors	786	915	.....	129
Widows	2,046	2,182	.....	136
Total	748,147	785,239	646	37,738

Pensioners of the different wars on the roll at the close of each of the last five fiscal years.

	1915	1914	1913	1912	1911
Civil War	691,606	728,129	762,439	801,998	833,756
War with Spain	28,912	28,910	29,015	28,850	28,490
War of 1812	134	170	199	238	279
War with Mexico	4,933	5,192	6,265	6,846	7,621
Indian wars	2,832	3,097	3,396	3,649	4,016
Regular Establishment	19,730	19,[illegible]1	18,958	18,713	17,936
Total	748,147	785,239	820,272	860,294	892,098

Comparative table of disbursements of pensions on account of the different wars for the the last five years (cents omitted.).

	1915	1914	1913	1912	1911
Civil War	$156,668,771	$163,377,552	$164,897,872	$143,979,235	$148,231,666
War with Spain	3,851,701	3,907,510	4,071,168	3,971,086	3,951,251
War of 1812	22,349	27,532	32,171	37,819	44,347
War with Mexico	925,847	1,060,530	1,184,700	1,168,186	1,322,918
Indian wars	513,706	560,247	527,664	521,404	575,087
Regular Establishment	3,535,892	3,475,147	3,447,142	3,308,375	3,197,834
Total	165,518,266	172,408,518	174,160,717	152,986,105	157,323,102

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Comparative table of the value of an average pension of the different wars for the last five fiscal years.

	1915	1914	1913	1912	1911
Civil War	$226.53	$224.38	$216.29	$179.52	$177.78
War with Spain	133.22	135.16	140.31	137.64	138.68
War of 1812	166.71	161.95	161.66	158.90	158.94
War with Mexico	187.68	189.65	189.09	170.63	173.58
Indian wars	181.39	180.89	155.37	142.88	143.19
Regular Establishment	179.21	179.67	181.83	176.79	178.29
Average for all wars	179.12	178.62	174.09	161.06	161.75

Statement showing the number of pensioners in each class under the general pension laws and special acts of Congress, together with the annual value of each on the roll at the close of the fiscal year ended June 30, 1915.

Classes.	General laws.		Special acts.	
	Number.	Annual value.	Number.	Annual value.
Invalids, Regular Establishment	14,909	$2,494,631.82	333	$79,236.00
Widows, etc., Regular Establishment	4,030	703,836.00	458	193,740.00
Survivors, act May 11, 1912	347,081	92,639,801.16	.....	.....
Survivors, act Feb. 6, 1907	2,872	504,288.00	.....	.....
Invalids, general law, Civil War	31,197	10,744,785.00	14,139	4,911,300.00
Nurses	211	30,384.00	64	11,112.00
Widows, etc., general law, Civil War	50,965	7,717,452.00	5,055	1,123,968.00
Invalids, act June 27, 1890	1,081	142,833.00	.....	.....
Minors, etc., act June 27, 1890	3,854	698,568.00	.....	.....
Widows, act Apr. 19, 1908	235,087	33,944,472.00	.....	.....
Invalids, War with Spain	23,469	2,967,124.80	901	179,730.00
Widows, etc., War with Spain	4,243	658,116.00	299	66,768.00
Widows, War of 1812	128	18,432.00	6	1,536.00
Survivors, War with Mexico	663	236,004.00	17	6,264.00
Widows, War with Mexico	4,020	578,880.00	233	42,564.00
Survivors, Indian wars	710	167,136.00	76	13,560.00
Widows, Indian wars	1,979	284,976.00	67	10,944.00
Total	726,499	154,531,719.78	21,648	6,640,722.00

Total number of pensioners	748,147
Total annual value	$161,172,441.78

Average annual value of each pension:

All classes	215.43
Regular Establishment	175.95
Act May 11, 1912	266.91
Act Feb. 6, 1907	175.59
General law, Civil War	241.45
Act June 27, 1890	170.50
Act Apr. 19, 1908	144.39
War with Spain	133.92
Survivors, Civil War	274.85

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Statement showing number of inmates and amount paid the Soldiers' Homes and the Hospital for the Insane from July 1, 1914, to June 30, 1915.

Branch and location.	July 1, 1914, to Sept. 30, 1914.		Oct. 1, 1914, to Dec. 31, 1914.		Jan. 1, 1915, to Mar. 31, 1915.		Apr. 1, 1915, to June 30, 1915.		Total.
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.	
Battle Mountain Sanitarium, Hot Springs, S. Dak	348	$21,768.85	407	$24,540.02	390	$25,188.38	330	$20,744.72	92,241.97
Central, National Military Home, Ohio	3,303	200,711.42	3,269	199,880.85	3,258	198,951.53	3,175	195,199.57	794,743.37
Danville, National Home, Danville, Ill	2,098	126,853.69	2,233	132,590.36	2,278	136,511.46	2,072	125,833.48	521,788.99
Eastern, National Soldiers' Home, Me	1,419	88,786.31	1,401	87,548.80	1,371	85,453.62	1,304	81,430.04	343,218.77
Government Hospital for Insane, Washington, D. C	355	21,047.54	354	24,846.16	352	26,094.80	357	21,937.41	93,925.91
Marion, National Military Home, Ind	1,349	82,272.66	1,398	85,183.31	1,433	86,919.45	1,341	83,135.56	337,510.98
Mountain, National Soldiers' Home, Tenn	1,232	74,264.18	1,302	78,115.14	1,339	80,650.78	1,236	74,101.41	307,131.51
Northwestern, National Home, Wis	1,521	92,795.35	1,565	94,522.09	1,540	94,247.25	1,467	91,037.48	372,602.17
Pacific, Soldiers' Home, Cal	3,061	192,360.40	3,158	199,529.30	3,184	202,922.37	3,050	195,570.80	790,382.87
Southern, National Soldiers' Home, Va	2,041	123,214.04	2,086	126,549.80	2,056	125,896.57	2,018	123,941.07	499,601.48
United States Soldiers' Home, Washington, D. C	998	57,472.97	1,074	62,584.93	1,127	64,721.72	1,073	62,190.35	246,969.97
Western, National Military Home, Kans	2,470	150,993.59	2,643	162,311.97	2,673	163,597.44	2,492	153,359.50	630,262.50
Total	20,195	1,232,541.00	20,890	1,278,202.73	21,001	1,291,155.37	19,915	1,228,481.48	5,030,380.58

Total amount of attorney fees paid in cases where the pensioners were inmates of the above homes during the fiscal year ended June 30, 1915, was $945, making the entire disbursement on account of homes $5,031,325.58.

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64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 723.

CUSTOMS STAMPS, CHECKS, DRAFTS, ETC.

MAY 18, 1916.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. J. Res. 214.]

The Committee on Appropriations, to which was referred House joint resolution No. 214, to increase the number of sheets of customs stamps and of checks, drafts, and miscellaneous work to be executed by the Bureau of Engraving and Printing for the fiscal year 1916 from 239,000 and 1,600,500 to 289,000 and 2,101,000, respectively, having considered the same, report it herewith without amendment and with a favorable recommendation.

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